

Fabric", now pending in the Congress of the United States, being Senate Bill No. 3502.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 30, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 802, "An Act validating proceedings heretofore had by certain cities in Texas, other than home-rule cities, for the issuance of revenue bonds and ad valorem tax bonds for the purpose of procuring funds to construct waterworks and sewer systems for such cities, validating the bonds to be issued pursuant to such proceedings and the indentures executed and to be executed as security for such bonds, authorizing the adoption of the proceedings necessary to complete the issuance of such bonds; validating proceedings had in the incorporation of such cities; providing the manner in which the assessed valuation of taxable property may be determined in such of said cities as have not heretofore levied taxes; providing the Act shall not apply to any bonds or warrants, the validity of which has been attacked in suit or litigation now pending or which may be filed within thirty (30) days after this Act takes effect; repealing all conflicting Acts, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

FORTY-SEVENTH DAY

(Monday, April 3, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Anderson
Allen	Bailey
Allison	Baker
Alsup	of Fort Bend

Baker of Grayson	Isaacks
Bell	Johnson of Ellis
Blankenship	Johnson of Tarrant
Bond	Keith
Boyd	Kennedy
Boyer	Kern
Bradbury	Kerr
Bradford	Kersey
Bray	King
Bridgers	Langdon
Broadfoot	Lehman
Brown of Cherokee	Leonard
Brown of Nacogdoches	Leyendecker
Bundy	Little
Burkett	Lock
Burney	Loggins
Cauthorn	London
Celaya	Mays
Chambers	McAlister
Clark	McDaniel
Cleveland	McDonald
Cockrell	McFarland
Coleman	McMurry
Colquitt	McNamara
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Crossley	Morris
Daniel	Newell
Davis of Jasper	Nicholson
Davis of Upshur	Oliver
Dean	Pace
Derden	Petsch
Dickison	Pevhouse
Dickson	Piner
Dwyer	Pope
Faulkner	Ragsdale
Felty	Reader of Bexar
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Reed
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Segrist
Hardeman	Shell
Hardin	Skiles
Harp	Smith of Hopkins
Harper	Smith of Matagorda
Harrell of Bastrop	Spencer
Harrell of Lamar	Stinson
Harris	Stoll
Hartzog	Talbert
Heflin	Tarwater
Holland	Taylor
Howard	Thornberry
Howington	Thornton
Hull	Turner
Hunt	Vale

Vint	Wilson
Voigt	Winfree
Waggoner	Wood
Weldon	Worley
Westbrook	Wright
White	
Absent—Excused	
Donaghey	Smith of Frio
Dowell	Tennant
Kinard	Wells
Schuenemann	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we are grateful this morning for physical health and for life itself. Wilt Thou be gracious unto our Members who are ill, and may they soon return to their places among us. So guide us today that we may accomplish good results, and that our time may be well used. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Worley for the balance of the day, on account of important State business, on motion of Mr. Monkhouse.

Mr. Smith of Frio for today, on motion of Mrs. Gordon.

Mr. Schuenemann for today, on motion of Mr. Hartzog.

Mr. Donaghey for today, on motion of Mr. Gilmer.

Mr. Rhodes and Mr. McDonald temporarily for last Thursday afternoon, on motion of Mr. Reader of Bexar.

Mr. Leonard for this morning, on motion of Mr. Johnson of Tarrant.

The following Members were granted leaves of absence on account of illness:

Mr. Wells for today, and the balance of the week, on motion of Mr. Reed.

Mr. Dowell for today, and the balance of the week, on motion of Mr. Morris.

Mr. Kinard for today, on motion of Mr. Pope.

HOUSE BILLS ON FIRST READING

Mr. Boyd asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 930.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time,

and referred to the appropriate committee, as follows:

By Mr. Boyd:

H. B. No. 930, A bill to be entitled "An Act amending Article 1302 of the Revised Civil Statutes of Texas, 1925, by adding a new Section providing for the creation of corporations for the purpose of maintaining and operating flying schools engaged in teaching the flying, operation and maintenance of airplanes including the ownership and maintenance of necessary airplanes, hangers and fields, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Fielden asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 931.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Fielden:

H. B. No. 931, A bill to be entitled "An Act to increase the criminal jurisdiction of the 76th Judicial District Court of Morris County, transferring all criminal cases on the docket of the County Court to the docket of the District Court at the time of the passage of this Act, and to conform the jurisdiction of the County and Justice Courts of said County to such change; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judicial Districts.

Mr. Skiles asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 932.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Skiles:

H. B. No. 932, A bill to be entitled "An Act amending Article 698 of the Penal Code by adding a new Section to be known as Section 698-b making it unlawful to pollute any lake in this State with chemicals; providing municipal corporations may use chemicals under certain conditions; providing regulations therefor; providing

a penalty for violation of this Act; empowering County and District Attorneys to prevent violation by injunction, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

RELATIVE TO CERTAIN INVESTIGATION OF THE TEXAS PRISON SYSTEM

The Speaker, laid before the House, as pending business, House Concurrent Resolution No. 78, by Mr. Winfree, To provide for certain investigation of the Prison System of Texas.

The resolution having been read second time on last Tuesday.

Mr. Alsup moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71

Alsup	Kern
Bell	Kersey
Bond	King
Boyd	Langdon
Boyer	Little
Bradford	Lock
Bray	London
Brown	McAlister
of Nacogdoches	McDaniel
Bundy	McFarland
Burkett	McMurry
Burney	Mohrmann
Cauthorn	Monkhouse
Clark	Morris
Cleveland	Petsch
Coleman	Reader of Erath
Colquitt	Reaves
Corry	Rhodes
Crossley	Roach
Daniel	Robinson
Davis of Upshur	Segrist
Dean	Shell
Faulkner	Skiles
Felty	Smith of Hopkins
Ferguson	Smith
Galbreath	of Matagorda
Gilmer	Talbert
Gordon, Mrs.	Taylor
Hamilton	Thornberry
Hankamer	Thornton
Hardeman	Vint
Harp	Voigt
Harper	Waggoner
Harrell of Bastrop	White
Hartzog	Wood
Howard	Wright
Keith	

Nays—56

Allen	Johnson of Tarrant
Allison	Kennedy
Anderson	Kerr
Bailey	Lehman
Baker of Grayson	Leyendecker
Blankenship	Mays
Bradbury	McNamara
Bridgers	Montgomery
Broadfoot	Newell
Brown of Cherokee	Nicholson
Chambers	Oliver
Cockrell	Pace
Cornett	Pevehouse
Davis of Jasper	Pope
Derden	Ragsdale
Dickison	Reed
Dickson	Riviere
Dwyer	Roberts
Fielden	Russell
Fuchs	Spencer
Goodman	Stinson
Hale	Stoll
Hardin	Turner
Harrell of Lamar	Weldon
Holland	Westbrook
Howington	Wilson
Hull	Winfree
Hunt	Worley

Absent

Baker	Johnson of Ellis
of Fort Bend	Loggins
Celaya	McDonald
Colson, Mrs.	Piner
Harris	Reader of Bexar
Heflin	Tarwater
Isaacks	Vale

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Frio
Kinard	Tennant
Leonard	Wells

NAMING VIRGINIA ALICE BROADFOOT QUEEN OF MASCOTS

Mr. Fuchs offered the following resolution:

H. S. R. No. 197, Naming Virginia Alice Broadfoot Queen of Mascots of the House of Representatives.

Whereas, We have with us the proper person for Queen of Mascots of House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Virginia Alice Broadfoot of Bonham, Texas, be hereby officially named by this House as Queen of Mascots for the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That said Queen of Mascots have her picture made and placed in the official group of said body.

FUCHS,
TALBERT,
HARRELL of Bastrop,
NEWELL,
ALLEN.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 346, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed \$25,000,000, and eliminating from Section 10 the provisions with reference to purchase of property of Central Texas Hydro-Electric Company; adding a Section to be known as Section 14b authorizing the sale, lease or other disposition to any electric cooperative, municipality, or other governmental agency or body politic and corporate of the State of Texas of any property acquired or constructed by the District and incidental to or used or useful in the generation, production, transmission, distribution or sale of electric energy; authorizing it to pledge the proceeds of any such sale or sales, and declaring an emergency."

S. B. No. 404, A bill to be entitled "An Act amending Section 1 of Chapter 152, Acts, Regular Session of the Forty-second Legislature relating to fees to be charged and collected by the Board of Insurance Commissioners, so that hereafter said Section 1, which is Article 3920, Revised Civil Statutes of Texas, shall read as follows, and declaring an emergency."

S. B. No. 407, A bill to be entitled "An Act to confirm and validate all re-sales and awards of public school lands in counties with a population of not less than 6,400 nor more than 6,500, according to the last preceding

Federal Census, to the spouse of the forfeiting owner, where such public school lands were forfeited prior to January 1, 1938, and came under the terms of either Acts, 1925, and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act providing for the holding of college entrance examinations; authorizing the setting up of rules and regulations necessary thereto; providing for the setting up of a system of fees and for the depositing of fees; describing college entrance examination funds; providing no debt shall be created against said fund and providing for a balance in said fund, and declaring an emergency." (With amendment.)

H. B. No. 835, A bill to be entitled "An Act to amend Subsection 8 of Article 199 of the Revised Civil Statutes, and providing an effective date."

The Senate has adopted

H. C. R. No. 76, Recalling House Bill No. 267 from the Senate. (Said bill herewith returned.)

H. C. R. No. 74, Urging the passage of Senate Bill No. 3502, now pending in the United States Senate.

H. C. R. No. 75, Urging the passage of the McCarran Bill now pending in the United States House of Representatives.

Respectfully,

BOB BARKER,

Secretary of the Senate.

TO EXPRESS APPRECIATION OF MEMBERS OF THE HOUSE

Mr. Montgomery offered the following resolution:

H. S. R. No. 198, To express appreciation of Members of the House.

Whereas, Mr. V. O. Stamps, President and general manager of the Stamps-Baxter Music and Printing Co., Inc., of Dallas, Texas, has out of the graciousness of his heart and his love for gospel singing donated to the House of Representatives twenty-four gospel song books, as follows: eight Gospel Tides, eight Gospel Quartets and eight Favorite Radio Songs; for the purpose of organizing a gospel quartet to be composed of the Members of the House; and

Whereas, Mr. V. O. Stamps has requested that the House of Representatives organize a quartet and has already extended an invitation to said

quartet to visit with him on his Wednesday night "Singing Convention of the Air Broadcast," and take part on same; therefore, be it

Resolved by the House of Representatives, That we extend to Mr. Stamps our sincere thanks for the books; that the House organize a quartet and accept the invitation by Mr. Stamps to visit with him on his Wednesday night broadcast as early as possible; and, be it further

Resolved, That the House of Representatives extend to Mr. Stamps its congratulations for his efforts and success in his teaching and singing of gospel music and wish him many more years of happiness, success and useful service in his chosen profession.

MONTGOMERY,
DAVIS of Upshur,
ISAACKS,
DWYER,
BUNDY,
CELAYA,
READER of Bexar,
ROACH,
CHAMBERS,
HOWINGTON,
RUSSELL.

The resolution was read second time.

Mr. Bond moved that the resolution be referred to the Committee on State Affairs.

(Pending consideration of the resolution, Mr. Cauthorn occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Montgomery moved to table the motion to refer.

The motion to table was lost.

Question then recurring on the motion to refer the resolution to the Committee on State Affairs, it prevailed.

EXPRESSING APPRECIATION TO HON. DALLAS BLANK- ENSHIP

Mr. Thornton offered the following resolution:

H. S. R. No. 199, Expressing appreciation to Hon. Dallas Blankenship.

Whereas, The Hon. Dallas Blankenship graciously entertained the pages, stenographers and other employees of the House of Representatives on March 30, 1939, at a picnic at Barton Springs; and

Whereas, Baseball, swimming and excellent food were enjoyed by all (notwithstanding the fact that the baseball game was called on account of rain, though the skies were cloudless); and

Whereas, The employees who attended the picnic enjoyed themselves very much; now, therefore, be it

Resolved, That the pages, stenographers and other employees of the House of Representatives do hereby extend their thanks to Mr. Blankenship for his thoughtfulness; and be it further

Resolved, That the Chief Clerk send a copy of this resolution to Mr. Blankenship, and also that it be printed in the Journal of the House of Representatives.

The resolution was read second time, and was adopted.

EXTENDING SYMPATHY OF THE HOUSE TO HON. T. D. WELLS

Mr. Harrell of Lamar offered the following resolution:

H. S. R. No. 200, Extending sympathy of the House to Honorable T. D. Wells.

Whereas, Our fellow Member, the Honorable T. D. Wells, is ill at St. David's Hospital; and

Whereas, We deeply regret his illness and inability to be present; now, therefore, be it

Resolved by the House of Representatives, That we extend our sincere sympathy to the Honorable T. D. Wells, his mother, Mrs. T. D. Wells, Sr., and his sister, Miss Edith Wells, and wish for Mr. Wells a speedy recovery; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to order suitable flowers to be sent to our colleague, and that a copy of this resolution be sent to Mr. Wells at St. David's Hospital, Austin, Texas.

HARRELL of Lamar.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt,

Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonaald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Harrell of Lamar, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

RELATIVE TO CONSIDERATION OF RESOLUTIONS

Mr. Hartzog raised a point of order, on further consideration of resolutions, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

MOTION TO PRINT HOUSE JOINT RESOLUTION NO. 24 ON MINORITY REPORT

Mr. Hardin moved that House Joint Resolution No. 24, reported adversely, with a minority favorable report, be printed.

Mr. Wood raised a point of order, on further consideration of the motion by Mr. Hardin, at this time, on the ground that the routine motion period has expired.

The Speaker sustained the point of order.

RELATIVE TO PRINTING OF CERTAIN REMARKS IN THE JOURNAL

Mr. McMurry moved that the remarks of Mr. McFarland, in addressing the House on personal privilege, be printed in the Journal.

The motion prevailed.

Mr. Morris moved to reconsider the vote by which the remarks of Mr. McFarland were ordered printed in the Journal.

Mr. McMurry moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider, it prevailed.

Question then recurring on the motion to print Mr. McFarland's remarks in the Journal, it was lost.

(Mr. Wood occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Kern moved that the Rules, relative to the making of speeches on personal privileges, be suspended, for the remainder of the day, in order that no further addresses be permitted.

The motion prevailed.

HOUSE BILL NO. 9 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act providing the method of making application to purchase or lease unsurveyed school land, commonly known as vacancies; providing for notice to those whose rights may be affected, and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries, and attempts to locate vacancies between surveys long considered to adjoin; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil or gas

at a price dependent on whether or not such vacancy is excess land, and providing that such purchase shall be subject to certain mineral reservations as a free royalty to the State; fixing the time and conditions under which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitutional such holding shall not affect the remainder hereof, and declaring an emergency."

The bill having heretofore been read second time, with committee amendment, by Mr. Daniel, and substitute amendment, by Mr. Spencer, for the committee amendment, pending.

Mr. Daniel moved to set House Bill No. 9 for special order at 10:30 o'clock a. m., next Friday.

The motion prevailed by the following vote:

Yeas—126

Allen	Dickison
Allison	Dickson
Alsup	Dwyer
Anderson	Faulkner
Bailey	Felty
Baker	Ferguson
of Fort Bend	Fielden
Baker of Grayson	Fuchs
Bell	Galbreath
Blankenship	Gilmer
Bond	Gordon, Mrs.
Boyd	Hale
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hardeman
Bray	Hardin
Bridgers	Harp
Brown of Cherokee	Harper
Brown	Harrell of Bastrop
of Nacogdoches	Hartzog
Bundy	Holland
Burkett	Howington
Burney	Hull
Cauthorn	Hunt
Celaya	Isaacks
Chambers	Johnson of Ellis
Clark	Johnson of Tarrant
Cleveland	Keith
Cockrell	Kennedy
Coleman	Kern
Colson, Mrs.	Kerr
Crossley	Kersey
Daniel	King
Davis of Jasper	Langdon
Davis of Upshur	Lehman
Dean	Leyendecker
Derden	Little

Lock	Roberts
Loggins	Robinson
London	Russell
Mays	Segrist
McAlister	Shell
McDaniel	Skiles
McDonald	Smith of Hopkins
McMurry	Smith
McNamara	of Matagorda
Mohrmann	Spencer
Monkhouse	Stinson
Montgomery	Stoll
Morris	Talbert
Newell	Tarwater
Nicholson	Taylor
Oliver	Thornberry
Pace	Thornton
Petsch	Turner
Pevehouse	Vint
Piner	Voigt
Ragsdale	Waggoner
Reader of Bexar	Weldon
Reader of Erath	Westbrook
Reaves	White
Reed	Wilson
Rhodes	Wood
Riviere	Wright
Roach	

Nays—2

Cornett Corry

Absent

Broadfoot	Howard
Colquitt	McFarland
Goodman	Pope
Harrell of Lamar	Vale
Harris	Winfree
Heflin	

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Kinard	Wells
Leonard	Worley
Schuenemann	

Mr. Daniel moved to reconsider the vote by which House Bill No. 9 was set for special order, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 374 WITH SENATE AMENDMENTS

Mr. Hardeman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 374, A bill to be entitled "An Act providing for the holding of college entrance examinations; author-

izing the setting up of rules and regulations necessary thereto; providing for the setting up of a system of fees and for the depositing of fees; describing college entrance examination funds; providing no debt shall be created against said fund and providing for a balance in said fund, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Hardeman moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

SENATE BILL NO. 280 ON SECOND READING

On motion of Mr. Kerr (by unanimous consent), the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 280.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 280, A bill to be entitled "An Act validating certain outstanding road and bridge time warrants of Fayette County, Texas, heretofore issued to provide funds to aid in the construction of Highway No. 20 in Road District No. 3 of said County, and Fayette County Bridge Warrants heretofore issued for the purpose of aiding in constructing a bridge across the Colorado River on Highway No. 72, and authorizing the Commissioners' Court of Fayette County to fund or refund into coupon road and bridge funding or refunding bonds of said County, said time warrants to the amount of Thirty-one Thousand, Two Hundred (\$31,200.00) Dollars; providing for the approval of said bonds by the Attorney General, and their registration by the State Comptroller, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 280 ON THIRD READING

Mr. Kerr moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 280

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Allen	Hunt
Allison	Isaacks
Alsup	Johnson of Ellis
Anderson	Johnson of Tarrant
Bailey	Keith
Baker	Kennedy
of Fort Bend	Kern
Baker of Grayson	Kerr
Bell	Kersey
Blankenship	King
Bond	Langdon
Boyd	Leyendecker
Boyer	Little
Bradbury	Lock
Bradford	London
Bray	Mays
Bridgers	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Bundy	McMurry
Burkett	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Chambers	Montgomery
Clark	Morris
Cleveland	Newell
Cockrell	Nicholson
Coleman	Oliver
Colquitt	Pace
Cornett	Petsch
Corry	Pevehouse
Crossley	Piner
Daniel	Ragsdale
Davis of Jasper	Reader of Bexar
Davis of Upshur	Reader of Erath
Derden	Reaves
Dickison	Reed
Dickson	Rhodes
Dwyer	Riviere
Faulkner	Roach
Felty	Roberts
Ferguson	Robinson
Fielden	Russell
Fuchs	Segrist
Galbreath	Shell
Goodman	Skiles
Hale	Spencer
Hamilton	Stinson
Hankamer	Stoll
Hardeman	Talbert
Hardin	Tarwater
Harp	Taylor
Harper	Thornberry
Hartzog	Thornton
Holland	Turner
Howard	Vale
Howington	Vint

Voigt
Waggoner
Weldon
Westbrook
White

Wilson
Winfree
Wood
Wright

Absent

Brown
of Nacogdoches
Celaya
Colson, Mrs.
Dean
Gilmer
Gordon, Mrs.
Harrell of Bastrop
Harrell of Lamar
Harris

Heflin
Hull
Lehman
Loggins
McFarland
Pope
Smith of Hopkins
Smith
of Matagorda

Absent—Excused

Donaghey
Dowell
Kinard
Leonard
Schuenemann

Smith of Frio
Tennant
Wells
Worley

The Speaker then laid Senate Bill No. 280 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—128

Allen
Alsup
Anderson
Bailey
Baker
of Fort Bend
Baker of Grayson
Bell
Blankenship
Bond
Boyd
Boyer
Bradbury
Bradford
Bray
Bridgers
Broadfoot
Brown of Cherokee
Brown
of Nacogdoches
Bundy
Burkett
Burney
Cauthorn
Chambers
Clark
Cleveland
Cockrell
Coleman
Colquitt
Cornett

Corry
Crossley
Daniel
Davis of Jasper
Davis of Upshur
Dean
Derden
Dickison
Dickson
Dwyer
Faulkner
Felty
Ferguson
Fielden
Fuchs
Galbreath
Gilmer
Goodman
Gordon, Mrs.
Hale
Hamilton
Hankamer
Hardeman
Hardin
Harp
Harper
Hartzog
Holland
Howard
Howington
Hull

Hunt
Isaacks
Johnson of Ellis
Johnson of Tarrant
Keith
Kennedy
Kern
Kerr
Kersey
King
Langdon
Lehman
Leyendecker
Little
Lock
London
Mays
McAlister
McDaniel
McDonald
McMurry
McNamara
Mohrmann
Monkhouse
Montgomery
Morris
Newell
Nicholson
Oliver
Pace
Petsch
Pevehouse
Piner
Pope

Ragsdale
Reader of Bexar
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Roberts
Robinson
Russell
Segrist
Skiles
Smith of Hopkins
Spencer
Stinson
Stoll
Talbert
Tarwater
Taylor
Thornberry
Thornton
Turner
Vale
Vint
Voigt
Waggoner
Weldon
Westbrook
White
Wilson
Winfree
Wood
Wright

Absent

Allison
Celaya
Colson, Mrs.
Harrell of Bastrop
Harrell of Lamar
Harris

Heflin
Loggins
McFarland
Shell
Smith
of Matagorda

Absent—Excused

Donaghey
Dowell
Kinard
Leonard
Schuenemann

Smith of Frio
Tennant
Wells
Worley

SENATE BILL NO. 255 ON SECOND READING

On motion of Mr. Kerr (by unanimous consent), the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 255.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 255, A bill to be entitled

"An Act to amend an Act of the Thirty-fourth Legislature, entitled an Act to create a more efficient road system for Lavaca County, Texas, being Chapter 75, Local and Special Laws, Regular Session, 1915, as amended by an Act of the Forty-first Legislature, being Chapter 24, Local and Special Laws of the Fourth Called Session, 1930, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 255 ON THIRD READING

Mr. Kerr moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 255 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130

Allen	Davis of Upshur
Allison	Dean
Alsup	Derden
Anderson	Dickison
Bailey	Dickson
Baker	Dwyer
of Fort Bend	Faulkner
Baker of Grayson	Felty
Bell	Ferguson
Blankenship	Fielden
Bond	Fuchs
Boyd	Galbreath
Boyer	Gilmer
Bradbury	Goodman
Bradford	Gordon, Mrs.
Bray	Hale
Bridgers	Hamilton
Broadfoot	Hankamer
Brown of Cherokee	Hardeman
Brown	Hardin
of Nacogdoches	Harp
Bundy	Harper
Burkett	Hartzog
Burney	Holland
Cauthorn	Howard
Celaya	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Isaacks
Cockrell	Johnson of Ellis
Coleman	Johnson of Tarrant
Colquitt	Keith
Cornett	Kennedy
Corry	Kern
Crossley	Kerr
Daniel	Kersey
Davis of Jasper	King

Langdon	Riviere
Lehman	Roach
Leyendecker	Roberts
Little	Robinson
Lock	Russell
London	Segrist
Mays	Shell
McAlister	Skiles
McDaniel	Smith
McDonald	of Matagorda
McFarland	Spencer
McMurry	Stinson
McNamara	Stoll
Mohrmann	Talbert
Monkhouse	Tarwater
Montgomery	Taylor
Morris	Thornberry
Newell	Thornton
Nicholson	Turner
Oliver	Vale
Pace	Vint
Petsch	Waggoner
Pevehouse	Weldon
Piner	Westbrook
Pope	White
Reader of Bexar	Wilson
Reader of Erath	Winfree
Reaves	Wood
Reed	Wright
Rhodes	

Absent

Colson, Mrs.	Loggins
Harrell of Bastrop	Ragsdale
Harrell of Lamar	Smith of Hopkins
Harris	Voigt
Heflin	

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Kinard	Wells
Leonard	Worley
Schuenemann	

The Speaker then laid Senate Bill No. 255 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—125

Allen	Boyd
Allison	Boyer
Alsup	Bradbury
Anderson	Bradford
Bailey	Bray
Baker	Bridgers
of Fort Bend	Broadfoot
Baker of Grayson	Brown of Cherokee
Bell	Brown
Blankenship	of Nacogdoches
Bond	Burkett

Burney	London
Cauthorn	Mays
Celaya	McAlister
Chambers	McDaniel
Clark	McDonald
Cleveland	McFarland
Cockrell	McMurry
Coleman	McNamara
Colquitt	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Crossley	Morris
Daniel	Newell
Davis of Jasper	Nicholson
Davis of Upshur	Oliver
Dean	Pace
Derden	Petsch
Dickison	Pevehouse
Dickson	Piner
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Fuchs	Rhodes
Galbreath	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Segrist
Hardeman	Shell
Hardin	Skiles
Harp	Smith
Harper	of Matagorda
Hartzog	Spencer
Holland	Stinson
Howard	Stoll
Howington	Talbert
Hunt	Tarwater
Isaacks	Taylor
Johnson of Ellis	Thornberry
Johnson of Tarrant	Thornton
Keith	Vale
Kennedy	Vint
Kern	Voigt
Kerr	Waggoner
Kersey	Weldon
King	Westbrook
Langdon	White
Lehman	Wilson
Leyendecker	Winfree
Little	Wood
Lock	Wright

Absent

Bundy	Heflin
Colson, Mrs.	Hull
Dwyer	Loggins
Gilmer	Pope
Harrell of Bastrop	Ragsdale
Harrell of Lamar	Smith of Hopkins
Harris	Turner

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Kinard	Wells
Leonard	Worley
Schuenemann	

MESSAGE FROM THE SENATE

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. C. R. No. 29, Requesting the State Highway Department to restore and preserve Judge Roy Bean's former place of business at Langtry, Texas.

S. C. R. No. 30, Authorizing the State Highway Department to lend certain discarded guard wire to the Archer City School Board.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 759 ON SECOND READING

(By unanimous consent)

On motion of Mr. Langdon, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 759.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 759, A bill to be entitled "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new Sections to be known as Section 19-C, Section 19-D, and Section 19-E, providing for the elimination of certain wages from determination of eligibility for benefits; providing for the transfer of a portion of the Unemployment Compensation Fund to the Railroad Unemployment Insurance Account; providing for the furnishing of certain records to the Railroad Retirement Board, and declaring an emergency."

The bill was read second time.

Mr. Langdon offered the following committee amendment to the bill:

To amend House Bill No. 759, by striking out all below the enacting

clause and substituting in lieu thereof, the following:

"Section 1. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding thereto a new Section to be known as Section 3-A and to read as follows:

"Sec. 3-A. Notwithstanding any of the provisions of this Chapter, wages earned for services with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress, irrespective of when performed, shall not be included for purposes of determining eligibility conditions, including a determination of the benefit amount, the duration of benefits, nor the wages earned during the qualifying period, for the purposes of any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on or after July 1, 1939, be payable with respect to such wages."

Sec. 2. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding thereto a new Section to be known as Section 9-(e), and to read as follows:

"Sec. 9(e). Notwithstanding any requirements of this Chapter, the Commission shall, prior to whichever is the later of (i) 30 days after the close of this Session of the Legislature and (ii) July 1, 1939, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in the unemployment trust fund, established and maintained pursuant to Section 904 of the Social Security Act as amended, to the Railroad Unemployment Insurance Account, established and maintained pursuant to Section 10 of the Railroad Unemployment Insurance Act, an amount hereinafter referred to as the preliminary amount; and shall, prior to whichever is the later of (i) 30 days after the close of this Session of the Legislature and (ii) January 1, 1940, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in said unemployment trust fund to said Railroad Unemployment Insurance Account an additional amount, hereinafter, referred to as the liquidating amount. The Social Security Board

shall determine both such amounts after consultation with the Commission and the Railroad Retirement Board. The preliminary amount shall consist of that proportion of the balance in the unemployment compensation fund as of June 30, 1939, as the total amount of contributions collected from 'employers' (as the term 'employer' is defined in Section 1(a) of the Railroad Unemployment Insurance Act) and credited to the unemployment compensation fund bears to all contributions theretofore collected under this Act and credited to the unemployment compensation fund. The liquidating amount shall consist of the total amount of contributions collected from 'employers' (as the term 'employer' is defined in Section 1(a) of the Railroad Unemployment Insurance Act) pursuant to the provisions of this Act during the period July 1, 1939, to December 31, 1939 inclusive."

Sec. 3. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding two new paragraphs at the end of Section 11(i) 'State-Federal Cooperation' so as to hereafter read as follows:

"(i) State Federal Cooperation: In the administration of this Act, the Commission shall cooperate to the fullest extent consistent with the provisions of this Act, with the Social Security Board, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this Act.

"Upon request therefor, the Commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such re-

recipient's rights to further benefits under this Act.

"The Commission may make the State's records relating to the administration of this Act available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such Board, such copies thereof as the Railroad Retirement Board deems necessary of its purposes.

"The Commission may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law."

Sec. 4. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding a new sentence at the end of Section 12(a) and revising the last sentence of Section 12(b) so as to hereafter read as follows:

"Sec. 12(a). State Employment Service: Texas State Employment Service, as provided for under Act of the Forty-fourth Legislature, Regular Session, Chapter 236, page 552, is hereby transferred to the Commission as a division thereof. The Commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act, and for purposes of performing such duties as are within the purview of the Act of Congress entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes,' approved June 6, 1933, (48 Stat. 113; U. S. C., Title 29, Section 49 (c)), as amended. It shall be the duty of the Commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The Texas Unemployment Compensation Commission is hereby designated and con-

stituted the agency of this State for the purposes of said Act. The Director, other officers and employees of the Texas State Employment Service shall be appointed by the Commission in accordance with regulations prescribed by the Director of the United States Employment Service. The Commission may cooperate with or enter into agreements with the Railroad Retirement Board with respect to establishment, maintenance, and use of free employment service facilities.

"(b) Financing: All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special 'Employment Service Account' in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the Texas Unemployment Compensation Commission to be expended as provided by this Section and by said Act of Congress, and any unexpended balance of funds appropriated or allocated either by the State of Texas or the Federal Government to the Texas State Employment Service as a division of the Bureau of Labor Statistics, is hereby, upon the passage of this Act, transferred to the special 'Employment Service Account' in the Unemployment Compensation Administration Fund. For the purpose of establishing and maintaining free public employment offices, the Commission is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this State, or with any private, and/or nonprofit organization, and as a part of any such agreement the Commission may accept monies, services, or quarters as a contribution to the special 'Employment Service Account.'"

Sec. 5. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by amending Section 13(a) by adding after the words "including the Social Security Board," the following:

"the Railroad Retirement Board"

And by adding the following to the fourth sentence of this Section:

"except that monies received from the Railroad Retirement Board as compensation for services or facilities

supplied to said Board shall be paid into this fund or into the special 'Employment Service Account' thereof, on the same basis as expenditures are made for such services or facilities from such fund and account."

Section 13(a) will hereafter read as follows:

"Sec. 13. (a). Special Fund: There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Administration Fund. All moneys which are deposited or paid into this Fund are hereby appropriated and made available to the Commission. All moneys in this Fund shall be expended solely for the purpose of defraying the cost of the administration of this Act, and for no other purpose whatsoever. The Fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board, the Railroad Retirement Board and the United States Employment Service, or from any other source, for such purpose, and shall be administered separate and apart from all public moneys or funds of the State. All moneys in this Fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, except that monies received from the Railroad Retirement Board as compensation for services or facilities supplied to said Board shall be paid into this fund or into the special 'Employment Service Account' thereof, on the same basis as expenditures are made for such services or facilities from such fund and account. Any balances in this Fund shall not lapse at any time, but shall be continuously available to the Commission for expenditure consistent with this Act. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the Unemployment Compensation Administration Fund in an amount to be fixed by the Commission and in a form prescribed by law or approved by the Attorney General. The premiums for such bond and the premiums for the bond given by the Treasurer of the Unemployment Compensation Fund under Section 9 of this Act, shall be paid from the moneys in

the Unemployment Compensation Administration Fund."

Sec. 6. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by re-lettering Section 17-A as follows: 17-A(1) and add the following new Subsection to be known as Section 17-A(2):

"Sec. 17-A(2). The Commission is also authorized to enter into arrangements with the appropriate agencies of other States or of the Federal Government (1) whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another State or of the Federal Government, shall be deemed to be wages for employment by employers for the purpose of Section 3 and Section 4(e) of this Act, provided such other State agency or agency of the Federal Government has agreed to reimburse the fund for such portion of benefits paid under this Act upon the basis of such wages or services as the Commission finds will be fair and reasonable as to all affected interests, and (2) whereby the Commission will reimburse other State or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of any such other States or of the Federal Government upon the basis of employment or wages for employment by employers, as the Commission finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purpose of Sections 3(e) and 9 of this Act, but no reimbursements so payable shall be charged against any employer's account for the purposes of Section 7 of this Act. The Commission is hereby authorized to make to other State or Federal agencies and receive from such other State or Federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this Section."

Section 7. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding to Section 5 the following new Subsection to be known as Subsection 5(f):

"For any week with respect to which or a part of which he has re-

ceived or is seeking unemployment benefits under an unemployment compensation law of any other State or of the United States; provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply."

LANGDON,
WOOD.

Mr. Thornton offered the following substitute for the committee amendment:

Amend House Bill No. 759, by striking out all below the enacting clause, and substituting in lieu thereof, the following:

"Section 1. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding thereto a new Section to be known as Section 3-A and to read as follows:

"Sec. 3-A. Payment of Benefits. Notwithstanding any of the provisions of this Chapter, wages earned for services with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress, irrespective of when performed, shall not be included for purposes of determining eligibility conditions, including a determination of the benefit amount, for the duration of benefits, or the wages earned during the qualifying period, for the purposes of any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on or after July 1, 1939, be payable on the basis of such wages."

"Section 2. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding thereto a new Section to be numbered Section 9-A, and to read as follows:

"Sec. 9-A. Notwithstanding any requirements of this Chapter, the Commission shall, prior to whichever is the later of (i) thirty (30) days after the close of this Session of the Legislature and (ii) July 1, 1939, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in the Unemployment Trust Fund, established and maintained pursuant to Section 904 of the Social Security Act as

amended, to the Railroad Unemployment Insurance Account, established and maintained pursuant to Section 10 of the Railroad Unemployment Insurance Act, an amount hereinafter referred to as the preliminary amount; and shall, prior to whichever is the later of (i) thirty (30) days after the close of this Session of the Legislature and (ii) January 1, 1940, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in said Unemployment Trust Fund to said Railroad Unemployment Insurance Account an additional amount, hereinafter referred to as the liquidating amount. The Social Security Board shall determine both such amounts after consultation with the Commission and the Railroad Retirement Board. The preliminary amount shall consist of that proportion of the balance in the Unemployment Compensation Fund as of June 30, 1939, as the total amount of contributions collected from 'employers' (as the term 'employer' is defined in Section 1 (a) of the Railroad Unemployment Insurance Act) and credited to the Unemployment Compensation Fund bears to all contributions theretofore collected under this Act and credited to the Unemployment Compensation Fund. The liquidating amount shall consist of the total amount of contributions collected from 'employers' (as the term 'employer' is defined in Section 1 (a) of the Railroad Unemployment Insurance Act) pursuant to the provisions of this Act during the period July 1, 1939, to December 31, 1939, inclusive."

"Section 3. That Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, be amended by adding thereto a new Section to be known as Section 11-A, and to read as follows:

"Sec. 11-A. The Commission may make the State's records relating to the administration of this Act available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such Board, such copies thereof as the Railroad Retirement Board deems necessary for its purposes.

"The Commission may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law."

"Section 4. The fact that the Congress of the United States has passed the Railroad Unemployment Insurance Act (Public No. 722, Seventy-fifth Congress) which provides that unless a State shall direct the Secretary of the Treasury of the United States to transfer certain amounts from its account in the Unemployment Trust Fund to the Railroad Unemployment Insurance Account, the Social Security Board shall deduct such amounts from its administrative grants to the States under Title III of the Social Security Act until the total of such amount has been so deducted, creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended, and this Act shall be in full force and effect from and after the day of its passage, and it is so enacted."

LANGDON,
THORNTON,
WOOD,
ANDERSON.

(Pending consideration of the above amendment, Mr. Ragsdale occupied the Chair, temporarily.)

(Speaker in the Chair.)

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 759 was then passed to engrossment.

HOUSE BILL NO. 759 ON THIRD READING

Mr. Langdon moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 759 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Allen	Baker of Grayson
Allison	Bell
Alsup	Blankenship
Bailey	Bond
Baker	Boyd
of Fort Bend	Boyer

Bradbury	Lehman
Bradford	Little
Bray	Lock
Bridgers	Loggins
Broadfoot	London
Brown of Cherokee	Mays
Brown	McAlister
of Nacogdoches	McDaniel
Bundy	McDonald
Burkett	McFarland
Burney	McMurry
Cauthorn	McNamara
Celaya	Mohrmann
Chambers	Monkhouse
Clark	Montgomery
Cleveland	Morris
Cockrell	Newell
Coleman	Nicholson
Colquitt	Oliver
Colson, Mrs.	Pace
Cornett	Petsch
Corry	Pevehouse
Crossley	Piner
Daniel	Pope
Davis of Jasper	Ragsdale
Davis of Upshur	Reader of Erath
Derden	Reaves
Dickson	Reed
Dwyer	Rhodes
Faulkner	Riviere
Felty	Roach
Ferguson	Roberts
Fielden	Robinson
Galbreath	Russell
Goodman	Skiles
Gordon, Mrs.	Smith of Hopkins
Hale	Smith
Hamilton	of Matagorda
Hankamer	Spencer
Hardeman	Stinson
Hardin	Stoll
Harp	Talbert
Harper	Tarwater
Harrell of Lamar	Taylor
Hartzog	Thornberry
Heflin	Thornton
Holland	Vale
Howard	Vint
Howington	Voigt
Isaacks	Waggoner
Johnson of Ellis	Weldon
Keith	Westbrook
Kennedy	White
Kern	Wilson
Kerr	Winfree
Kersey	Wood
King	Wright
Langdon	
Anderson	Absent
Dean	Gilmer
Dickison	Harrell of Bastrop
Fuchs	Harris
	Hull

Hunt
Johnson of Tarrant
Leyendecker
Reader of Bexar

Segrist
Shell
Turner

Absent—Excused

Donaghey
Dowell
Kinard
Leonard
Schuenemann

Smith of Frio
Tennant
Wells
Worley

The Speaker then laid House Bill No. 759 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—127

Allen	Dwyer
Allison	Faulkner
Alsup	Felty
Anderson	Ferguson
Bailey	Fielden
Baker	Fuchs
of Fort Bend	Galbreath
Baker of Grayson	Gilmer
Bell	Goodman
Blankenship	Gordon, Mrs.
Bond	Hale
Boyd	Hamilton
Boyer	Hankamer
Bradbury	Hardeman
Bradford	Harp
Bray	Harper
Bridgers	Heflin
Broadfoot	Holland
Brown of Cherokee	Howard
Brown	Howington
of Nacogdoches	Hull
Bundy	Hunt
Burkett	Isaacks
Burney	Johnson of Ellis
Cauthorn	Keith
Celaya	Kennedy
Chambers	Kern
Cleveland	Kerr
Cockrell	Kersey
Coleman	King
Colquitt	Langdon
Colson, Mrs.	Lehman
Cornett	Little
Corry	Lock
Crossley	Loggins
Daniel	London
Davis of Jasper	Mays
Davis of Upshur	McAlister
Dean	McDaniel
Derden	McDonald
Dickison	McFarland
Dickson	McMurry

McNamara
Mohrmann
Monkhouse
Morris
Newell
Nicholson
Oliver
Pace
Petsch
Pevehouse
Piner
Ragsdale
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Roberts
Robinson
Russell
Segrist
Shell

Skiles
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Stoll
Talbert
Tarwater
Taylor
Thornberry
Thornton
Vale
Vint
Voigt
Waggoner
Weldon
Westbrook
White
Wilson
Winfree
Wood
Wright

Absent

Clark	Johnson of Tarrant
Hardin	Leyendecker
Harrell of Bastrop	Montgomery
Harrell of Lamar	Pope
Harris	Reader of Bexar
Hartzog	Turner

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Kinard	Wells
Leonard	Worley
Schuenemann	

Mr. Langdon moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 74, Memorializing Congress in regard to passage of certain legislation.

H. C. R. No. 75, Memorializing Congress in regard to passage of certain legislation.

H. C. R. No. 66, Authorizing certain correction in House Bill No. 266.

PROVIDING FOR CONSIDERA-
TION OF LOCAL AND UN-
CONTESTED BILLS

Mr. Mays moved that the House meet at 7:30 o'clock p. m., next Thursday for the purpose of considering local and uncontested bills.

The motion prevailed.

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 407, to the Committee on Public Lands and Buildings.

Senate Bill No. 404, to the Committee on Insurance.

Senate Bill No. 346, to the Committee on State Affairs.

RECESS

Mr. Derden moved that the House recess until 2:00 o'clock p. m., today.

Mr. Brown of Cherokee moved that the House recess until 2:30 o'clock p. m., today.

The motion of Mr. Derden prevailed, and the House, accordingly, at 12:10 o'clock p. m., took recess until 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Harrell of Bastrop was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Broadfoot.

Mr. Tennant was granted leave of absence for today, on account of important business, on motion of Mr. Talbert.

PROPOSED AMENDMENT TO THE
RULES

Mr. Alsup offered the following resolution:

H. S. R. No. 203, Proposed amendment to the Rules.

Be It Resolved by the House of Representatives, That the Rules relating to personal privilege be amended so as to provide that no Member may be permitted to speak more than five minutes on personal privilege, and that his time may not be extended only by a two-thirds vote of the House.

The resolution was read second time, and was referred, by the Speaker, to the Committee on Rules.

MESSAGE FROM THE SENATE

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to pass to engrossment, Senate Joint Resolution No. 12, A joint resolution, proposing an amendment to Article 3 of the Constitution of the State of Texas, by the following vote: Yeas, 14; Nays, 15.

Adopted the Conference Committee Report on House Bill No. 474 by the following vote: Yeas, 26; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 247 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 247, A bill to be entitled "An Act creating The Texas Horse Racing Commission, prescribing the number of members thereof, defining their qualifications, fixing their terms and method of qualification, requiring the members to serve without compensation other than necessary expenses, defining the powers and jurisdiction of the Commission, fixing the places of meeting, directing the employment of an executive secretary and other necessary employees, and limiting their compensation, and providing for payment of expenses of the Commission out of the special fund created by the Act and limiting expenses of the Commission to Thirty Thousand (\$30,000.00) Dollars annually; permitting horse race meetings and operation of pari-mutuel pools in connection therewith only under license of Commission, and prescribing steps to obtain license as follows: (1) application for permit. (2) form of appli-

cation and conditions and requisites to issuance of permit subject to approval of qualified voters in county wherein track located, (3) election in county where track located for approval or rejection of permit and method and manner of holding such elections, (4) issuance of approved permit by Commission where election in county wherein track located favorable thereto but not otherwise, such permit to be for ten (10) years but subject to revocation, (5) issuance of annual license to holders of approved permits and providing method of obtaining license and fixing license fees, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Bell offered the following amendment to the bill:

Amend House Bill No. 247, by striking out all below the enacting clause, and inserting in lieu thereof, the following:

"Section 1. There is hereby created and established 'The Texas Horse Racing Commission', hereinafter called the Commission, which shall be vested with the powers and charged with the duties in this Act specified and also with the powers necessary and proper to enable it to carry out fully and effectually the purposes of this Act. The jurisdiction and supervision of said Commission shall extend to any and every person or persons, association or corporation and their respective employees and officials that shall hereafter hold or conduct any meeting within the State of Texas whereat horse racing shall be held or conducted, and the pari-mutuel system of wagering is employed as hereinafter stated, and shall extend to every such race and each and every horse race meeting and each and every thing having to do with the operation thereof, and shall extend to each and every owner, trainer and jockey at each and all of such horse race meetings, provided, however, that this Commission shall not have jurisdiction, supervision or control over any contests of speed and endurance of man or beast except horse racing whereat the pari-mutuel system of wagering is employed.

Section 2. The Commission herein created shall consist of five (5) persons who shall be appointed by the Governor within thirty (30) days after

the effective date of this Act, subject to confirmation by the Senate. Each of such persons shall be a qualified voter in this State and shall be a bona fide breeder of thoroughbred horses and the owner of at least five (5) thoroughbred mares used for breeding purposes. Two (2) of the Commissioners first appointed shall serve for a term of two (2) years from the date of their qualification and the other three (3) shall serve for a term of four (4) years from the date of their qualification. The Governor in making the appointments shall designate whether the respective appointees shall serve for the two (2) or four (4) year terms. After the expiration of the terms for which the Commissioners are first appointed, thereafter the terms for each of the Commissioners shall be for a period of four (4) years and appointments to fill all vacancies shall be made by the Governor of the State of Texas with the advice and consent of the State Senate.

Section 3. The Commissioners shall select from their number a Chairman who shall preside at all meetings of the Commission. A majority of the Commission shall constitute a quorum. The signature of the Chairman shall be sufficient to all orders issued and to all permits and licenses granted by the Commission when the signature is attested by the Executive Secretary under the seal of the Commission, provided the order, permit or license is authorized by the Commission at a regular or special meeting. The majority of a quorum may at all times act for the Commission. The Commission shall adopt a seal.

Section 4. The members of the Commission shall serve without compensation except they may be allowed their actual and necessary traveling and hotel expenses when attending meetings of the Commission or upon other business of the Commission. Each Commissioner shall take an oath of office prescribed by the Constitution and laws of the State and shall give bond to the Governor of the State with personal or corporate surety to be approved by the State Treasurer in the amount of Ten Thousand (\$10,000.00) Dollars, conditioned that he will faithfully and honestly perform the duties of his office. The premiums on the bonds mentioned above shall be paid by the Commis-

sion out of funds appropriated for the upkeep of the Commission.

Section 5. The Commission shall maintain an office in the City of Austin, Texas, but may maintain branch offices elsewhere and meet elsewhere when the functioning of the Commission's business may require.

Section 6. No person who has not been a bona fide resident of the State of Texas for five (5) years preceding his appointment shall be qualified to act as a Commissioner.

Section 7. The Commission is directed to employ an Executive Secretary who shall devote his exclusive time to the work of the Commission and shall maintain, keep and preserve all the records of the Commission and perform such other services as the Commission may direct, and the Commission is authorized to pay an annual salary not exceeding Five Thousand (\$5,000.00) Dollars to the Executive Secretary. The Executive Secretary shall serve during the pleasure of the Commission. The Commission is also authorized to employ the services of such stenographic and clerical help as may be necessary to carry out the proper functioning of the Commission, provided, however, the salaries of such clerks and secretaries so employed shall not exceed the sum of One Thousand, Eight Hundred (\$1,800.00) Dollars annually each. The Commission may also employ such other help as may be necessary at salaries to be fixed by the Commission not exceeding the maximum of One Thousand, Eight Hundred (\$1,800.00) Dollars annually, and in addition thereto may expend out of the sums appropriated such amounts as may be necessary for laboratory tests, veterinary services, or for such other things as may be thought necessary by the Commission.

Section 8. The Commission is hereby authorized and empowered to adopt rules and regulations for the control and supervision and direction of applicants, permittees and licensees for the holding, conducting and operating of all horse race meetings held in this State, provided such rules and regulations shall be uniform in their application and effect, and the duty of exercising this control is hereby made mandatory upon such Commission. All such rules and regulations shall be effective only when approved by the Director of Racing.

Section 9. The Commission shall make annual reports to the Governor showing its actions, receipts derived under the provisions of this Act, and the practical effect of the application of this Act and any suggestions it may approve for the more effectual accomplishment of the purposes of this Act.

Sec. 10. There is also hereby created the office of Director of Racing who shall be the enforcement officer of the provisions of this Act, and who shall exercise the powers and be charged with the duties in this Act specified and also with such powers and duties as may be necessary and proper to enable him to carry out fully and effectually the purposes of this Act. The term of office of the Director of Racing shall be four years and the occupant of such office shall be eligible to reappointment. The Governor of the State, with the consent of the State Senate, shall appoint the Director of Racing. The office of the Director of Racing shall be at Austin, Texas. No one shall be eligible to appointment to the office of Director of Racing unless he be a qualified voter within the State of Texas and shall have resided within the State of Texas for more than two years preceding the date of his appointment. The Director of Racing shall receive a salary of \$10,000.00 per year to be paid out of the special racing fund hereinafter created and shall be entitled to employ two assistants at a salary not exceeding \$3,600.00 annually and one secretary at a salary not exceeding \$1,800.00 annually, the amount of such salaries to be approved by the Texas Horse Racing Commission. The Director of Racing shall maintain his office in the offices of The Texas Horse Racing Commission and the rent for such office or offices shall be paid by the Texas Horse Racing Commission out of the funds herein appropriated to it. In addition to the salaries herein provided for, the Director of Racing shall be allowed and paid the actual and necessary traveling expenses of himself and his assistants and the expense, upkeep and maintenance of his office, but all such expenses shall not exceed the sum of \$5,000.00 annually, to be paid out of the racing fund herein created upon vouchers approved by The Texas Horse Racing Commission.

Sec. 11. No permit or license shall

at any time be issued by the Texas Horse Racing Commission until the application therefor shall have been first investigated by the Director of Racing and he shall have filed his report and recommendation thereon with the Texas Horse Racing Commission.

Sec. 12. It shall be the special duty of the Director of Racing to enforce all of the provisions of this Act and the rules of racing prescribed and adopted by the Commission and the Director of Racing shall report all infractions and violations of this Act to the Commission and to the local law enforcement officers in the county or municipality where such violations occur and for the purpose of enforcing this Act the Director of Racing is authorized and empowered to suspend the license of any licensee of the Commission pending a hearing before the Commission and to make arrests for the violation of any penal provision of this Act, and to swear out complaints or information before any magistrate or justice of the peace having jurisdiction of any penal offense under this Act and to cooperate with the local enforcement officers of any municipality or county or with any other State enforcement officers in the enforcement of any and all of the penal provisions of this Act, and such Director of Racing is also authorized and empowered to appear before and present evidence to any grand jury sitting in any county having jurisdiction over any penal offense committed under this Act and to present to such grand jury any and all evidence in his possession relating thereto.

Sec. 13. The Director of Racing upon his appointment by the Governor and confirmation by the State Senate shall take an oath of office before any officer authorized to administer the same, similar to the oath of office prescribed by law for other State officers and shall execute a bond payable to the Governor of the State of Texas and his successors in office in the penal sum of \$10,000.00, conditioned that the Director of Racing shall faithfully perform all of the duties imposed upon him hereunder. The premium upon such bond shall be paid annually as it accrues out of the racing fund herein created upon voucher approved by the Commission.

Sec. 14. No person, association of

corporation shall hold or conduct or assist, aid or abet in holding or conducting any meeting within the State of Texas whereat horse racing with wagering on the results thereof shall be permitted except and unless such person, association or corporation shall comply with the provisions of this Act and be licensed to conduct a horse race meeting by the Commission as provided for in this Act. Any licensee of the Commission may under license of the Commission and in accordance with rules and regulations of the Commission conduct a horse race meeting, and within the enclosure whereat the horse race meeting is conducted, operate pari-mutuel pools. A pari-mutuel pool as understood and intended herein means a system of wagering whereby the patrons within the enclosure where the horse race meeting is conducted may purchase tickets from the licensee upon any horse or horses entered in any given race. Tickets may be purchased upon a horse to run first or to run as good as second or to run as good as third, or in such combinations as may be permitted by the Commission under their rules and regulations, and the amount paid for such tickets shall be placed in applicable pools known as pari-mutuel pools. The licensee operating the horse race meeting may deduct from each pool not exceeding 12% of the amount of money therein and the odd cents of the redistribution over the next lowest multiple of ten, and the balance remaining in each pool shall be paid out to the holders of tickets entitled thereto, respectively, in proportion as the amount wagered by each person bears toward the total amount wagered in the applicable pool.

Sec. 15. The licensee shall pay as an occupation tax a sum equal to six per cent of the moneys received into the pari-mutuel pools from all tickets sold, plus a sum equal to one-half of the breakage withheld by the licensee, that is to say, one-half of the odd cents of the redistribution over the next lowest multiple of ten, which said occupation taxes shall be known and described as pari-mutuel taxes. Said taxes shall be computed and accrue at the close of each racing day and shall be paid by the licensee to the Treasurer of the State of Texas through the State Comptroller not later than the fifth day after accrual. The pari-mutuel taxes paid under the

provisions of this Act to the Treasurer of the State of Texas through the State Comptroller shall be for the use and benefit of the State Racing Fund and shall be for the use and benefit of the State Racing Fund and shall be distributed and appropriated as hereinafter set out.

Sec. 16. After payment of pari-mutuel taxes provided for in the above and preceding Section, the licensee may retain the remainder of the sums deducted from the pari-mutuel pools in accordance with the provisions of this Act as compensation for supervising and handling said pari-mutuel pools and performing the other services with respect thereto as required by the provisions of this Act.

Sec. 17. Any person, association or corporation desiring to conduct a horse racing meeting in Texas and to operate parti-mutuel pools as herein provided for, shall file with the Commission an application for a permit to conduct horse race meetings. Such application shall set forth the names, ages and addresses of the applicants; a willingness on the part of the applicants to be bound by all the provisions of this Act; if a corporation or an association, the names and addresses of the members, stockholders and officers and the amount of stock held and owned by each; the location of the track whereat it is desired to hold horse race meetings, and the ownership thereof; whether the applicant is the owner or lessee of said horse race track, and if the lessee, then the terms and provisions of the lease and such other information as may be required under the rules and regulations of the Commission. Such application shall be verified and accompanied by a fee of Fifty (\$50.00) Dollars, which fee shall be paid to the Commission. A duplicate copy of such application is likewise to be filed with the Director of Racing who shall make an investigation with respect thereto and file his report with the Commission, which report shall set forth the results of such investigation and the recommendation of the Director of Racing with respect thereto.

Another duplicate copy of such application shall likewise be filed with the county clerk in the county wherein the horse race track is located and there shall be deposited contemporaneously with the county clerk a sum of money to be determined by the county clerk equal to the estimated cost of

holding an election throughout the county wherein the horse race track is located as hereinafter provided for, which said estimated cost shall be fixed and determined by the county clerk. After the application is filed with the county clerk and the amount of the estimated cost of holding an election as fixed and determined by the county clerk is deposited by the applicant with the county clerk, it shall be the duty of the county clerk forthwith to certify such application to the commissioners' court of said County.

Sec. 18. Upon the certification of the application for a permit as hereinabove provided for to the commissioners' court it shall be the duty of said court to order an election throughout the county upon a day not less than twenty nor more than thirty days from the date of the deposit of money by the applicant as hereinabove provided for, which date shall likewise be not less than ten nor more than twenty days from the date of the order calling the election and said commissioners' court shall appoint such officers to hold said election as are now required to hold general elections. The county clerk shall post or cause to be posted at least one copy of said order in each election precinct in said County for at least six days prior to the election and the election shall be held and the returns thereof be made in conformity with the General Laws of the State and by the election officers appointed and qualified to act under such laws. At said election the vote shall be by official ballot which shall be printed or have written at the top thereof in plain letters "Official Ballot." Said ballot shall have also written or printed thereon the words, "For the approval of the application filed with the Texas Horse Racing Commission by _____

(naming the applicant) to hold and conduct horse race meetings at _____

(naming the track) in _____ County (naming the county)", and the words, "Against the approval of the application filed with the Texas Horse Racing Commission by _____

(naming the applicant) to hold and conduct horse race meetings at _____ (naming the track) in _____

County (naming the county)", and the clerk of the county court shall furnish the presiding officer of each such

voting box within such county with a number of ballots to be not less than twice the number of qualified voters at such voting box, and the presiding officer of each voting box shall write his name on the back of the ballot before offering same to the voters and each person offering to vote at said election shall be presented with such ballot and no voter shall be permitted to depart with such ballot, and shall not be assisted in voting at such election except by such presiding officer or some officer assisting in the holding of such election at the request of such presiding officer when requested to do so by such voter. Those in favor of the approval of the application submitted by the Commission shall erase the words "Against the approval of the application filed with the Texas Horse Racing Commission by _____

(naming the applicant) to hold and conduct horse race meetings at _____ (naming the track) in _____

County (naming the county)", and those opposing it shall erase the words, "For the approval of the application filed with the Texas Horse Racing Commission by _____

(naming the applicant) to hold and conduct horse race meetings at _____

(naming the track) in _____ County (naming

the county)". No ballot shall be received or counted by the officers of such election that is not an official ballot and that has not the name of such presiding officer at such election written thereon in the handwriting of such presiding officer as provided by this Act. Those and only those persons qualified under the laws of the State of Texas to vote in general elections shall be permitted to vote in the election herein provided for.

The officers holding such election shall in all respects not herein specified conform to the general election laws in force regulating elections and after the polls are closed proceed to count the votes, and within three (3) days thereafter make due report of said election to the aforesaid court. The provisions of the general laws shall be followed in calling and conducting said election where not inconsistent herewith. Said Commissioners' Court shall hold a special session on the fifth (5th) day after holding of the said election or as soon thereafter as practicable for the purpose

of canvassing the votes and certifying the result and shall make an order declaring the results of said election and certify said results within ten (10) days from the date of such order to the Commission at its offices in Austin, Texas.

Section 19. In event the cost of holding the election is in excess of the amount deposited by the applicant, then the applicant shall forthwith pay to the County Clerk the additional amount necessary to defray the cost of holding the election and the certificate provided for in the above and preceding Section shall not be made to the Commission until and unless the full cost of holding the election has been paid to or deposited by the applicant with the County Clerk. In event the amount deposited is in excess of the actual cost of the election, such excess amount shall forthwith be refunded by the County Clerk to the applicant.

Section 20. The result of the election provided for in the above and preceding Sections of this Act, as certified by the Commissioners' Court to the Commission, shall be made and become a part of the original application for a permit filed with the Commission as provided for in the preceding Sections of this Act.

Section 21. If the result of the election as certified by the Commissioners' Court to the Commission is unfavorable to the application, the Commission shall forthwith dismiss the application. If the result of the election as provided for in the above and preceding Sections of this Act as certified by the Commissioners' Court to the Commission is favorable to the application, then the Commission shall set the application for a hearing before it to be held at Austin, Texas, at a date not less than thirty (30) days from the date the certificate of election is filed with it, and shall then proceed in its discretion to grant or refuse to grant to the applicant a permit to hold horse race meetings and conduct pari-mutuel pools in connection therewith as provided for in this Act at the horse race track mentioned and described in the application. Such permit shall be for a period of ten (10) years subject to revocation in the manner and way hereinafter provided for and shall be non-transferable, and when granted shall entitle the holder thereof to conduct

horse race meetings and operate pari-mutuel pools as hereinbefore provided for within the county and at the horse race track specified in said permit, subject, however, to all the provisions of this Act and the rules and regulations of the Commission made and provided for, and subject also to revocation in the manner and way hereinafter provided for.

Section 22. At least fifteen (15) days before the date fixed for the hearing the Commission shall notify in writing the applicant of the time and place where the hearing upon the application for a permit as provided for in the preceding Sections of this Act shall be held, and shall also cause notice of such hearing to be published in a newspaper of general circulation in the county wherein the race track is located on at least two (2) occasions, the first publication to be made not less than fifteen (15) days before the date fixed for the hearing and the date of the second publication to be not less than seven (7) days before the date fixed for the hearing. Anyone desiring to oppose the issuance of a permit shall have the right to appear in person or through attorney and present opposition to the application. The Commission in determining if a permit shall be issued shall take into consideration the application, any opposition that may have been presented thereto, the report and recommendations of the Director of Racing, the result of the election upon the approval of the application as certified by the Commissioners' Court, and the evidence presented at the hearing, and if after consideration of all of such factors the Commission finds and believes that the applicant is a fit person to conduct horse race meetings, that he will carry out a program of racing in keeping with the standards of this Act, that he is properly financed to do so, that there is a desire for racing in the county wherein the track is located and that there is a need for such racing to promote the breeding within the State of Texas of thoroughbred horses and that the community directly affected by the operation of such track is not already sufficiently served with racing, then the Commission shall be empowered to issue to the applicant the permit hereinabove provided for.

Section 23. The application for a

permit shall be finally determined by the Commission within not more than sixty (60) days from the date the certificate of election as provided for in the above and preceding Sections is filed with it. In event the application for permit be dismissed or denied, the applicant therefor may renew his application and upon the renewal thereof all of the provisions of this Act relating to the original application shall relate to the renewed application, but no renewed application may be filed within two (2) years from the date of the dismissal or rejection of the previous application.

Section 24. The holder of any permit to conduct horse race meetings issued by the Commission pursuant to the provisions of this Act shall be entitled to receive from the Commission an annual license, which license shall be necessary to fully effectuate the powers granted under and by virtue of the terms of the permit, but such license shall only be issued upon the payment of the annual license fees provided for in this Act and as a condition to the issuance of any annual license the Commission may also require the permit holder to submit satisfactory proof that it still possesses all of the qualifications prescribed by this Act and that the permit has not been revoked in accordance with the provisions of this Act.

Section 25. No license shall be granted to any person, association or corporation for more than two (2) meetings at any horse race track in any calendar year and the total number of days allowed such licensee shall not exceed sixty (60) days racing during any calendar year and no more than thirty (30) days racing can be conducted at any one meeting. There must be at least thirty (30) days time intervene between meetings.

Section 26. The license issued under and by virtue of the provisions of this Act shall permit the licensee to operate pari-mutuel pools only within the racing enclosure and not elsewhere.

Section 27. The license fee required to be paid upon the issuance of a license to conduct horse race meetings and to operate pari-mutuel pools in connection therewith within the racing enclosure as hereinabove provided for shall be computed as follows:

If the horse race meeting is to be conducted in a county of a population not exceeding ten thousand (10,000) inhabitants such license fee shall be One Hundred (\$100.00) Dollars; if in a county of more than ten thousand (10,000) inhabitants and not exceeding fifty thousand (50,000) inhabitants, the license fee shall be Two Hundred (\$200.00) Dollars; if in a county of more than fifty thousand (50,000) inhabitants and not exceeding one hundred thousand (100,000) inhabitants, the fee shall be Three Hundred (\$300.00) Dollars; if in a county of more than one hundred thousand (100,000) inhabitants, and not exceeding one hundred and fifty thousand (150,000) inhabitants, the fee shall be Five Hundred (\$500.00) Dollars; if in any county exceeding one hundred and fifty thousand (150,000) population, the fee shall be Two Thousand, Five Hundred (\$2,500.00) Dollars. The population shall be determined by the next preceding Federal Census. The license fees required to be paid herein shall be paid by the applicant for a license to the Racing Commission as a prerequisite to the issuance of a license and the license fees so received by the Racing Commission shall be promptly remitted to the Treasurer of the State of Texas through the State Comptroller of Public Accounts, and shall become and be a part of the special racing fund hereinafter mentioned. The license fees herein provided for shall accrue and be paid upon the issuance of the license and all subsequent licenses during the period of the permit held by the applicant.

Section 28. The Commission may suspend for any period fixed by it or revoke entirely, within its discretion, any outstanding permit and license issued hereunder if it shall be made to appear to the satisfaction of the Commission that the holder or holders thereof have violated any of the provisions of this Act or any of the rules of racing promulgated by the Commission pursuant to the provisions of this Act, or any of the provisions and conditions of the permit or the license issued to the holder thereof.

Section 29. In addition to the provision made for the revocation of a permit and license provided for in Section 28 hereof, any approved permit and license issued thereunder may

be revoked by vote of a majority of the qualified voters of the county wherein the applicable horse race track is located in the following manner:

(a) Qualified voters in number of not less than twenty (20%) per cent of the total qualified voters as disclosed by the poll tax receipts and exemptions issued in the office of the Tax Collector and/or Tax Collector and Assessor of the county, residing within the county where a horse race track is located and for which an approved permit has theretofore been issued as provided for in this Act, may by written petition signed by such petitioners numbering not less than twenty (20%) per cent of the qualified voters of the county determined in the manner above stated, request the Commissioners' Court of the county to submit to the qualified voters at an election the question of whether the permit complained of in the petition shall be revoked.

(b) Such application when filed shall be referred to the County Clerk for the purpose of determining if the requisite number of qualified voters have signed said application, and after checking the application the County Clerk shall certify his findings to the Commissioners' Court, which certificate shall be submitted to the Commissioners' Court not more than forty-five (45) days after the application is filed.

(c) If the certificate of the County Clerk discloses that the requisite number of qualified voters have signed the application then the Commissioners' Court shall determine the amount of money necessary to hold an election throughout the county to determine if the approved permit complained of shall be revoked, and shall enter an order fixing and determining this amount, and the applicants, in order to be entitled to proceed further herein, shall deposit the amount of money so fixed and determined by the Commissioners' Court within not less than thirty days from the date of the entry of the order. The amount deposited as aforesaid shall be used by the Commissioners' Court in defraying the cost and expense of the election, and if after the election is held it is determined by the Commissioners' Court that the amount deposited is in excess of the actual cost of such election, such ex-

cess shall be refunded to the applicants. If the cost of the election is in excess of the amount deposited then the applicants for the election shall jointly and severally become personally bound for such excess cost and shall be required to pay the same within not less than five (5) days from notice thereof to the Commissioners' Court.

(d) Within five days after the applicants shall have deposited the amount of money determined by the Commissioners' Court as necessary to pay the cost and expense of the election, but not otherwise, the Commissioners' Court shall order an election to be held throughout the county wherein the applicable horse race track is located for the purpose of determining if the approved permit theretofore issued for horse race meetings at such track shall be revoked, and said election shall be held not less than twenty nor more than thirty days from the date of the order calling said election. At said election the vote shall be by official ballot which shall have printed or written at the top thereof in plain letters the words, "Official Ballot." Said ballot shall have also printed thereon the words, "For the revocation of the permit granted by the Texas Horse Racing Commission and heretofore approved by the voters of _____ County (naming the county) to _____ (naming the permittee) to hold and conduct horse race meetings at _____ track (naming the track) in _____ County (naming the county)", and the words, "Against the revocation of the permit granted by the Texas Horse Racing Commission and heretofore approved by the voters of _____ County (naming the county) to _____ (naming the permittee) to hold and conduct horse race meetings at _____ track (naming the track) in _____ County (naming the county)", and the clerk of the county court shall furnish the presiding officer of each such voting box within such county with a number of such ballots to be not less than twice the number of qualified voters at such box. Those and only those persons qualified under the laws of the State of Texas to vote at general elections shall be qualified to vote at the elections herein provided for. Those fav-

oring the revocation of the permit shall erase the words, "Against the revocation of the permit granted by the Texas Horse Racing Commission and heretofore approved by the voters of _____ County (naming the county) to _____ (naming the permittee) to hold and conduct horse race meetings at _____ track (naming the

track) in _____ County (naming the county)", by marking a pencil through the same, and those opposing the revocation of the permit shall erase the words, "For the revocation of the permit granted by the Texas Horse Racing Commission and heretofore approved by the voters of _____ County (naming the county) to _____ (naming the permittee) to hold and conduct horse race meetings at _____ track (naming the track) in _____ County (naming the county)", by marking a pencil through the same. All the provisions with respect to the election heretofore provided for shall be applicable to said election and the officers holding such election shall in all respects conform to the general laws in force regulating elections, and after the polls are closed proceed to count the votes, and within three days thereafter make report of said election to the commissioners' court.

(e) Said Commissioners' Court shall hold a special session on the fifth day after the holding of said election or as soon thereafter as practicable for the purpose of canvassing the votes and certifying the result, and shall make an order declaring the results of said election, and certify said results within ten days from the date of such order to the Commission at its offices in Austin, Texas, provided all expenses and cost of holding the election have been paid by the applicants therefor. If the result of the election as disclosed by the certificate of the commissioners' court is favorable to a revocation of the permit theretofore issued the Commission shall forthwith enter an order revoking the permit involved. If the result of the election is unfavorable to revocation of the permit an order to this effect shall be entered by the Commission and the permit and license theretofore in effect shall in no wise be affected by said election or said results.

(f) An election for the purpose of determining if a permit shall be re-

voked shall not be held oftener than every two years and each election therefor shall be governed by the same provisions as provided for in Sections 17 and 29 hereof.

Sec. 30. The Commission shall prescribe rules and regulations for the issuance of annual licenses to trainers of thoroughbred horses and jockeys and apprentices, and no person, association or corporation operating a race track under license of the Commission as provided for herein shall permit the entry of a horse in a race of any owner or trainer or permit any jockey or apprentice to ride any such horse unless the trainer thereof and the jockey or apprentice named to ride are licensed by the Commission. There is hereby imposed upon each person to whom a trainer's license is issued by the Commission an annual fee of \$35.00, and to each person to whom a jockey's or apprentice's license is issued by the Commission an annual fee of \$25.00 to be paid by the recipient thereof to the Commission upon the issuance of such license, and annually thereafter. The Commission is hereby empowered to revoke entirely or suspend for any period within its discretion any license issued to a trainer, jockey or apprentice, found guilty by the Commission of violating any of the provisions of this Act or of the rules of racing prescribed by the Commission or of the provisions or conditions of the license, or for failure to pay any license fee as it accrues.

Sec. 31. All persons connected with horse race tracks save and except those hereinbefore specifically referred to, including gatekeepers, announcers, ushers, starters, officials, sellers of racing forms or bulletins, attendants in connection with the pari-mutuel pools, managers of tracks or other persons directly employed by any track, shall pay license fees as follows: \$2.00 annually for those persons receiving \$8.00 or less per day; \$4.00 annually for those persons receiving as much as \$8.00 and not more than \$15.00 per day; \$10.00 annually for those persons receiving as much as \$15.00 and not more than \$30.00 per day; and \$50.00 annually for all persons receiving more than \$30.00 per day. The Commission shall make rules and regulations providing for the issuance of licenses to all such persons and for the collection of the license fees herein provided for, and

for the revocation of any such license where the holder thereof is found guilty by the Commission of violating any of the provisions of this Act, the rules of racing prescribed by the Commission or the terms, provisions and conditions of such license; or for failure to pay any license fee as it accrues.

Sec. 32. The license fees required to be paid under Sections 30 and 31 hereof shall be paid to the Commission and shall be promptly remitted by the Commission to the Treasurer of the State of Texas through the State Comptroller of Public Accounts, and shall become and be a part of the special racing fund hereinafter mentioned. All other fees required to be paid to the Commission herein where no other specific disposition is made thereof shall be, when collected by the Commission, promptly remitted to the Treasurer of the State of Texas through the Comptroller of Public Accounts.

Sec. 33. Any person, association or corporation licensed by the Commission to hold horse race meetings under the provisions of this Act shall give preference to bona fide residents and citizens of the State of Texas in employing all help, and ninety-five per cent of their employees shall be bona fide residents and citizens of the State of Texas, exclusive of governing and managing officials and heads of the departments of the track.

Sec. 34. The Commission shall have the authority to deny or revoke a license to any person who shall have been refused a license by any other state racing commission or racing authority, provided, however, that the state racing commission or racing authority of such other state extends to the Texas Horse Racing Commission reciprocal courtesy to maintain disciplinary control.

Sec. 35. Any person who shall influence or have any understanding or connivance with any owner, jockey, groom or other person associated with or interested in any horse race conducted under license of the Commission to prearrange or predetermine the result of any such race, or any person who shall stimulate or depress a horse for the purpose of affecting the results of a race, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the state penitentiary for not less than

one nor more than ten years. The provisions of this Section shall not prevent the Commission from making rules and regulations relating to the matters herein provided for.

Sec. 36. The Commission shall prescribe rules and regulations for preventing the use of improper devices, the administration of drugs or stimulants or other improper acts for the purpose of affecting the speed of horses in horse races conducted under the provisions of this Act in which said horses are about to participate.

Sec. 37. Every person, association or corporation to which a license may be granted under this act to conduct a horse race meeting shall at its own cost and expense, before any such license is delivered, give bond in the penal sum of \$50,000.00 payable to the Governor of the State of Texas and his successor in office, with a surety or sureties to be approved by the Commission and the State Treasurer, conditioned to faithfully make the payments required hereunder, and to keep its books and records and make reports as herein provided, and to conduct its racing in conformity with this Act.

Sec. 38. The operation or conduct of pari-mutuel pools or the sale of pari-mutuel tickets outside of the enclosure of any horse race track licensed and operated under this Act is hereby prohibited, and every person acting or aiding therein or conducting or attempting to conduct any such pari-mutuel pool or selling or attempting to sell or aiding or abetting in the selling or pari-mutuel tickets outside of the enclosure of any horse race track licensed and conducted under this Act shall be guilty of a felony and upon conviction therefor confined in the state penitentiary for not less than one year nor more than ten years.

Sec. 39. From and after the effective date of this Act it shall be deemed legal to conduct horse race meetings and to operate pari-mutuel pools within the racing enclosure as provided under the rules and regulations as set forth in this Act and to sell and purchase pari-mutuel tickets within the racing enclosure of a licensee under this Act, but any person who takes or accepts or places for another a bet or wager of money or anything of value on a horse race, save and except through the purchase

or sale of pari-mutuel tickets within the racing enclosure of a track licensed and conducted under the terms and provisions of this Act, or any person who offers to take or accept or place for another any such bet or wager, or any person who as an agent, servant or employee or otherwise aids or encourages another to take or accept or place any such bet or wager as herein provided for, or any person who directly or indirectly aids or encourages any agent, servant or employee to accept, take, place or transmit any such bet or wager except as herein provided for, shall be guilty of bookmaking and upon conviction be punished by confinement in the state penitentiary for any term of years not less than one nor more than ten, or by confinement in the county jail for not less than ten days nor more than one year, and by a fine of not less than \$100.00 nor more than \$1,000.00. Any person who shall within a period of one year next preceding the filing of an indictment commit as many as three acts which are prohibited under this Section shall be upon conviction punished by confinement in the state penitentiary for any term of years not less than one nor more than ten.

Section 40. Any person making a wager upon a horse race or the result thereof, except through the purchase of pari-mutuel tickets within the racing enclosure of a track licensed and conducted under this Act shall be guilty of gambling and upon conviction be punished by confinement in the county jail for not less than ten (10) days nor more than one (1) year, or by a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, and any person who shall within a period of one (1) year next preceding the filing of an indictment commit as many as three (3) acts which are prohibited under this Section, upon conviction thereof be punished by confinement in the State penitentiary for any term of years not less than one (1) nor more than ten (10).

Section 41. No minors except jockeys, jockey apprentices and exercise boys shall be employed in any manner about horse race tracks licensed under this Act, and no minor shall be permitted to purchase pari-mutuel tickets.

Section 42. Racing under the provisions of this Act shall not be conducted on Sundays or upon any day after 7:00 o'clock p. m.

Section 43. Every licensee conducting horse race meetings under this Act shall pay to the Treasurer of the State of Texas through the State Comptroller of Public Accounts, which payment shall become and be a part of the special racing fund as hereinafter mentioned, a tax equal to fifteen (15%) percent of the established admission price or the sum of ten (10c) cents for each person attending such horse race meeting, whichever sum is the greater, to be known as an admission tax, and shall pay said admission tax to the Treasurer of the State of Texas through the State Comptroller not less than five (5) days after the close of racing on the day to which the tax is applicable and make due report thereof; provided, however, that said admittance tax shall not apply to (a) bona fide owners or trainers of horses registered at the track or to their employees whose presence within the racing enclosure is required; (b) officials, employees and heads of departments of the licensee conducting the race meeting whose presence within the enclosure during the period of racing is required, and State officials; and the licensee conducting the race meeting shall not be required to account for or pay admission taxes upon the exempt persons.

Section 44. Any person, association or corporation who shall receive from the owner or lessee of the horse race track a concession to sell or dispense food or beverages shall pay to the Commission an occupational license fee of One Thousand (\$1,000.00) Dollars annually, and the Commission shall prescribe rules and regulations for the issuance of such license and the revocation thereof where any holder is found guilty by the Commission of violating any of the provisions of this Act or any of the rules of racing prescribed by the Commission, or of any of the terms and conditions of the license issued therefor. The license fees received by the Commission hereunder shall be promptly remitted to the Treasurer of the State of Texas through the State Comptroller of Public Accounts and shall become and be a part of the special racing fund hereinafter mentioned.

Section 45. No exclusive concession shall be granted by the licensee of any horse race track for the sale of feed to horses stabled at the track or within the grounds of the licensee, and any owner or trainer of any horses so stabled upon the grounds of the licensee or grounds under its control shall be permitted to purchase feed for their horses upon the open market.

Section 46. In addition to the license fees and occupation taxes hereinbefore provided for, there is hereby imposed upon the sale of all beverages, foods for human consumption, chewing gum, cigars, cigarettes, programs, bulletins, periodicals and all other articles sold within the racing enclosure of the licensee, a tax equal to ten (10%) per cent of the sales price of all such articles, and the seller thereof shall collect and account therefor and remit said taxes to the Treasurer of the State of Texas through the State Comptroller of Public Accounts within five (5) days from the accrual thereof, and said taxes so remitted shall become and be a part of the special racing fund hereinafter mentioned. Such taxes shall accrue upon the sale of the articles to which the tax is applicable.

Section 47. No person, association or corporation shall be permitted to sell beverages, food for human consumption, chewing gum, cigars, cigarettes, programs, bulletins, periodicals and other articles within the racing enclosure except under license from the Commission, which license shall be revocable upon the violation of the licensee of any of the provisions of this Act, the rules of the Commission relating to racing, or any of the provisions of the license issued therefor, and the Commission shall make rules and regulations governing the issuance of licenses to persons, associations and corporations engaged in the sale of the articles herein provided for and for the revocation thereof.

Section 48. Every person, association or corporation receiving a license to conduct horse race meetings under this Act shall hold and conduct horse race meetings on two (2) days annually exclusively for charity, which days shall be designated as charity days, the dates therefor to be fixed by the Commission, and such charity days shall be added by the Commis-

sion to the number of days for which the license heretofore provided for is granted. All receipts by the licensee on charity days after payment of purses, taxes and fees as herein provided for shall be paid by the licensee to the Commission, which sums so received shall be used for bona fide public charities within the State of Texas, such charities to be selected by the Commission, but such charities must consist of one or more of the following objects: (a) advancement of the Christian religion, (b) relief of suffering or poverty stricken citizens of the State, (c) public charitable hospitals or other eleemosynary institutions not conducted for profit. The Commission shall not discriminate in race, color or creed in the selection of charities and the Attorney General of this State shall enforce when necessary the provisions of this Section.

Section 49. Three (3%) per cent of the first moneys of every purse won by a horse foaled in the State of Texas shall be paid to the breeder of such horse and the licensee shall retain said money from the purse of the winning horse and hold same in a separate fund for the account of such breeder. Every licensee shall run at least one race each racing day which shall be limited to horses foaled in Texas. If sufficient competition cannot be had among such class of horses said race may be eliminated for said day and a substitute race provided instead.

Section 50. The Commission shall have the power to compel the production of any and all books, memoranda or documents showing the receipts and disbursements of any person, association or corporation licensed under the provisions of this Act to conduct horse race meetings. The Commission may at any time require the removal of any employee or official employed by any licensee hereunder in any case where it shall have reason to believe that such employee or official has been guilty of any dishonest practice in connection with horse racing and has failed to comply with any condition of such licensee's license, or has violated any law or any rule or regulation of said Commission. The Commission shall have the power to require that the books and financial or other statements of any person, corporation or association licensed under the provisions of this Act be kept

in any manner which to the Commission may seem best, and the Commission shall also be authorized to visit, investigate and place expert accountants and such other persons as it may deem necessary in the offices, tracks or places of business of any such person, association or corporation for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with. The said Commission shall have the power to summons witnesses before it and to administer oaths or affirmations to such witnesses whenever, in the judgment of the Commission, it shall be necessary for the effectual discharge of its duties; and any person failing to appear before said Commission at the time and place specified in answer to said summons, or refusing to testify, shall be deemed guilty of a misdemeanor, and upon conviction by a court of competent jurisdiction shall be punished by a fine of not more than One Thousand (\$1,000.00) Dollars or by imprisonment of not more than twelve (12) months in the county jail, or by both such fine and imprisonment.

Section 51. The word "horse" as used in this Act shall mean and include any thoroughbred horse, colt, gelding, mare or filly but shall not apply to or include any other animal or beast.

Section 52. A private corporation may be formed to operate, whether as owner or lessee, a horse race track and to conduct horse race meetings thereat and operate pari-mutuel pools in connection therewith in conformity with this Act.

Section 53. It is hereby declared to be the intention of this Act that all salaries and expenses of the operation of the Commission shall never become a charge against the General Revenue of the State, and in event the fees, licenses and taxes authorized herein shall not provide a sufficient revenue to pay all the salaries and expense authorized, then in that event the funds derived from the sources authorized herein shall be prorated for the salaries and expenses of the Commission. Provided, however, the Commission may expend such sums of money, not exceeding Thirty Thousand (\$30,000.00) Dollars annually, as may be necessary to carry out the duties imposed upon it here-

under, and such sum shall be paid out of the special racing fund created hereunder, and the Director of Racing may annually expend such sums of money out of the special racing fund herein created not exceeding the sum of Twenty-four Thousand (\$24,000.00) Dollars, including salaries, and out of the revenue derived under this Act for the account of said racing fund there is hereby appropriated for the two-year period beginning September 1, 1939, and ending August 31, 1941, the sum of Thirty Thousand (\$30,000.00) Dollars annually for the use and benefit of said Texas Horse Racing Commission, to be used by said Commission in accordance with the provisions of said Act, and out of the revenue derived under this Act for the account of the said racing fund there is hereby appropriated for the two-year period beginning September 1, 1939, and ending August 31, 1941, the sum of Twenty-four Thousand (\$24,000.00) Dollars annually for the use and benefit of the Director of Racing, to be used by said Director of Racing in accordance with the provisions of said Act. Any part of said sums so appropriated and not used by the Commission and/or by the Director of Racing shall at the end of the year for which said respective sums are appropriated be returned by the Commission and/or by the Director of Racing to the State Treasurer, and upon receipt thereof by the State Treasurer shall again constitute a part of the special racing fund herein created and be subject to reappropriation by the Legislature. The Treasurer of the State of Texas in December of each year shall make a complete statement of the amount he has received within the calendar year under the provisions of this Act. After there shall have been charged against this fund the operating expenses of the Racing Commission as herein authorized for the calendar year, together with the amount necessary to meet the appropriation to the Commission for the succeeding year, the amount then remaining in this fund shall be disbursed as follows:

An amount equal to twenty-five (25%) per cent thereof shall by the Treasurer of the State of Texas be paid into and credited to the Available Public Free School Fund of the State of Texas. After having deducted and paid said twenty-five

(25%) per cent of such funds to the Available Public Free School Fund, the remainder of such fund shall be utilized and disbursed by the Treasurer of the State of Texas as follows, to-wit:

Seventy-five Thousand (\$75,000.00) Dollars annually to Texas Agricultural and Mechanical College, Twenty-five Thousand (\$25,000.00) Dollars annually to Texas Technological College, Twelve Thousand, Five Hundred (\$12,500.00) Dollars to John Tarleton Agricultural College, and Twelve Thousand, Five Hundred (\$12,500.00) Dollars to North Texas Agricultural College. In event the amounts available are insufficient to pay said sums in full, then the available funds shall be paid pro rata to the institutions herein named. The remainder of such racing fund shall by the Treasurer of the State of Texas be paid into and credited to the Old Age Assistance Fund and the Teachers' Retirement Fund in the following proportions: two-thirds ($\frac{2}{3}$) thereof to the Old Age Assistance Fund, and one-third ($\frac{1}{3}$) thereof to the Teachers' Retirement Fund.

Section 54. The amounts of revenue derived under this Act for the two-year period beginning September 1, 1939, and ending August 31, 1941, are hereby appropriated for the purposes and in the amounts as in this Act herein set out.

Section 55. The payments herein required to be made by licensees authorized to conduct horse race meetings in conformity with this Act to the Treasurer of the State of Texas, shall be in lieu of all other or further excise or occupation taxes to the State of Texas or any county, city, town or political subdivision thereof.

Section 56. The funds herein appropriated for Texas Agricultural and Mechanical College, Texas Technological College, John Tarleton Agricultural College, and North Texas Agricultural College, shall be used by said institutions for the advancement of the science of the care, maintenance and breeding of livestock within the State of Texas, and in conducting such research work in connection therewith as said respective institutions shall deem best. Provided, however, that such respective institutions may use in their several discretions the funds appropriated to each of them herein

for the purpose of purchasing jacks and stallions foaled within the State of Texas, and may lease or license such jacks and stallions to citizens within the State upon such terms and conditions as such respective institutions may deem best.

Section 57. If any clause, provision, requirement or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act, but shall be confined in its operation to the clause, provision, requirement or part thereof declared invalid.

Section 58. All laws and parts of laws in conflict herewith are hereby repealed.

Section 59. This Act shall be entitled and known as "The Texas State Horse Racing Commission Act."

Section 60. Wherever the plural is used in this Act it shall be construed to include the singular when applicable, and whenever the singular is used it shall be construed to include the plural when applicable. Likewise the word "person" shall be construed to include a corporation, association of partnership, and the word "he" shall be construed to include the term "she" and "it", and the word "it" shall when applicable be construed to include the words "he" or "she".

Section 61. Except where specific punishment is otherwise provided for under the terms of this Act, any person operating in violation of the terms of this Act or found guilty of violating any of the terms of this Act shall upon conviction therefor in a court of competent jurisdiction be punished by confinement in the State penitentiary for any term of years not less than one (1) nor more than ten (10).

Section 62. The provisions of this Act shall be cumulative of all other existing articles of the Penal Code upon the same subject except in event of a conflict between existing articles and the provisions of this Act, and in that event the provisions of this Act shall prevail over such other articles, and such other articles or parts of articles as may be in conflict with the provisions of this Act are hereby repealed."

BELL,
HARTZOG.

Mr. Russell moved a call of the House for the purpose of maintaining a quorum until House Bill No. 247 is disposed of, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows—Yeas, 53; Nays, 54.

A verification of the vote was requested.

The roll of the yeas and nays was again called and the verified vote resulted as follows:

Yeas—54

Allison	Heflin
Bailey	Holland
Blankenship	Howington
Boyd	Hunt
Bradbury	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown of Nacogdoches	Kennedy
Burkett	Kern
Chambers	Kersey
Clark	King
Cleveland	Langdon
Coleman	Lehman
Colson, Mrs.	Lock
Crossley	Reader of Erath
Davis of Upshur	Reaves
Derden	Rhodes
Dickison	Roach
Dickson	Roberts
Ferguson	Russell
Fielden	Skiles
Fuchs	Spencer
Galbreath	Tarwater
Hale	Thornberry
Hamilton	Turner
Hardeman	Voigt
Harp	Weldon
Harper	White

Nays—54

Allen	Dwyer
Bell	Faulkner
Bond	Felty
Boyer	Hankamer
Bradford	Harrell of Lamar
Bridgers	Hartzog
Broadfoot	Howard
Bundy	Hull
Burney	Johnson of Tarrant
Cauthorn	Kerr
Celaya	Leyendecker
Cockrell	Little
Corry	Loggins
Davis of Jasper	London

Mays	Reed
McAlister	Riviere
McFarland	Robinson
McMurry	Segrist
McNamara	Shell
Mohrmann	Smith of Hopkins
Monkhouse	Stinson
Montgomery	Stoll
Newell	Thornton
Nicholson	Vale
Pope	Wilson
Ragsdale	Winfree
Reader of Bexar	Wright

Absent

Alsup	McDaniel
Anderson	McDonald
Baker	Morris
of Fort Bend	Oliver
Baker of Grayson	Pace
Bray	Petsch
Colquitt	Pevehouse
Cornett	Piner
Daniel	Smith
Dean	of Matagorda
Gilmer	Talbert
Goodman	Taylor
Gordon, Mrs.	Vint
Hardin	Waggoner
Harris	Westbrook
Keith	Wood

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Frio
Harrell of Bastrop	Tennant
Kinard	Wells
Leonard	Worley

The Speaker announced that the motion for the call of the House was lost.

(Pending consideration of the committee amendment, Mr. Thornton occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Baker of Grayson moved that the opinion of the Attorney General in regard to House Bill No. 247 be printed in the Journal.

Question recurring on the motion by Mr. Baker of Grayson, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—65

Bailey	Bridgers
Baker of Grayson	Broadfoot
Blankenship	Brown of Cherokee
Boyd	Brown
Bradbury	of Nacogdoches

Burkett	Lock
Chambers	London
Cleveland	McDonald
Coleman	Morris
Colson, Mrs.	Newell
Cornett	Oliver
Crossley	Reed
Daniel	Roach
Davis of Jasper	Roberts
Davis of Upshur	Robinson
Derden	Russell
Dickison	Segrist
Ferguson	Skiles
Fielden	Smith of Hopkins
Galbreath	Smith
Hale	of Matagorda
Hamilton	Spencer
Hardeman	Stinson
Harper	Talbert
Harrell of Lamar	Tarwater
Holland	Thornberry
Hunt	Turner
Isaacks	Vint
Keith	Waggoner
Kennedy	Weldon
Kern	Westbrook
Kersey	White
Langdon	Wright
Lehman	

Nays—67

Allen	Hull
Alsup	Johnson of Ellis
Anderson	Johnson of Tarrant
Baker	Kerr
of Fort Bend	Kinard
Bell	Leyendecker
Bond	Little
Boyer	Loggins
Bradford	Mays
Bundy	McAlister
Burney	McDaniel
Cauthorn	McFarland
Celaya	McNamara
Clark	Mohrmann
Cockrell	Monkhouse
Colquitt	Montgomery
Corry	Nicholson
Dean	Pace
Dickson	Petsch
Dwyer	Pevehouse
Faulkner	Piner
Felty	Pope
Fuchs	Ragsdale
Gilmer	Reader of Bexar
Gordon, Mrs.	Reader of Erath
Hankamer	Rhodes
Hardin	Riviere
Harp	Shell
Hartzog	Stoll
Heflin	Taylor
Howard	Thornton
Howington	Vale

Voigt
Wilson

Winfree
Wood

Absent

Allison
Bray
Goodman
Harris

King
McMurry
Reaves

Absent—Excused

Donaghey
Dowell
Harrell of Bastrop
Leonard
Schuenemann

Smith of Frio
Tennant
Wells
Worley

Mr. Bradbury moved that the last paragraph of the opinion be printed in the Journal.

Mr. Alsup raised a point of order, on further consideration of the motion by Mr. Bradbury at this time, on the ground that the routine motion period has expired and that the motion to print is not a privileged motion.

The Speaker sustained the point of order.

(Pending consideration of the committee amendment, Mr. Fielden and Mr. Little occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Goodman offered the following amendment to the amendment:

Amend amendment to House Bill No. 247, as follows:

"Section 53, paragraph 3, on page 28, by adding after the words 'the Texas Agricultural and Mechanical College,' the words, 'that Fifty Thousand (\$50,000.00) Dollars of said Seventy-five Thousand (\$75,000.00) Dollars be ratably allocated to the various State Agricultural Experimental Stations.'"

GOODMAN,
GILMER.

Mr. Boyer moved the previous question on the pending amendments and the engrossment of House Bill No. 247, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

Alsup
Anderson
Bailey

Baker
of Fort Bend
Baker of Grayson

Bell
Bond
Boyer
Bradbury
Bradford
Brown
of Nacogdoches
Bundy
Burkett
Burney
Cauthorn
Celaya
Clark
Cleveland
Cockrell
Corry
Davis of Jasper
Dean
Dickison
Dickson
Dwyer
Felty
Fielden
Fuchs
Gilmer
Goodman
Gordon, Mrs.
Hankamer
Harper
Hartzog
Howard
Johnson of Tarrant
Keith
Kern

Kerr
Kersey
Kinard
Lehman
Lock
Loggins
Mays
McAlister
McFarland
McNamara
Mohrmann
Montgomery
Nicholson
Oliver
Pace
Petsch
Pevehouse
Ragsdale
Reader of Bexar
Reader of Erath
Reaves
Riviere
Roberts
Shell
Stoll
Taylor
Thornton
Vale
Vint
Voigt
Waggoner
White
Wilson
Winfree

Nays—57

Blankenship
Boyd
Broadfoot
Brown of Cherokee
Chambers
Coleman
Colquitt
Colson, Mrs.
Cornett
Crossley
Daniel
Davis of Upshur
Derden
Faulkner
Ferguson
Galbreath
Hale
Hamilton
Hardeman
Hardin
Harp
Harrell of Lamar
Heflin
Holland
Howington
Hull
Hunt

Isaacks
Johnson of Ellis
Kennedy
King
Langdon
Leyendecker
London
McDonald
Monkhouse
Morris
Newell
Reed
Rhodes
Roach
Robinson
Russell
Segrist
Skiles
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Talbert
Tarwater
Thornberry
Turner

Weldon Wood
Westbrook Wright
Present—Not Voting

Allen

Absent

Allison McDaniel
Bray McMurry
Bridgers Piner
Harris Pope
Little

Absent—Excused

Donaghey Smith of Frio
Dowell Tennant
Harrell of Bastrop Wells
Leonard Worley
Schuenemann

Question then recurring on the amendment by Mr. Goodman, to the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—85

Alsup	Hardeman
Anderson	Hardin
Baker	Harper
of Fort Bend	Hartzog
Bell	Holland
Blankenship	Howard
Boyer	Hull
Bradford	Isaacks
Bridgers	Johnson of Tarrant
Bundy	Kern
Burkett	Kinard
Burney	King
Cauthorn	Lehman
Celaya	Leyendecker
Chambers	Loggins
Clark	Mays
Colquitt	McAlister
Colson, Mrs.	McDaniel
Corry	McDonald
Daniel	McFarland
Davis of Jasper	McNamara
Dean	Mohrmann
Derden	Monkhouse
Dickison	Montgomery
Dickson	Nicholson
Dwyer	Oliver
Felty	Pace
Fielden	Pevehouse
Fuchs	Pope
Galbreath	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reed
Hamilton	Rhodes
Hankamer	Riviere

Roberts Vale
Shell Vint
Smith Voigt
of Matagorda Waggoner
Stoll Wilson
Talbert Winfree
Tarwater Wood
Taylor Wright
Thornton

Nays—43

Bailey	Kerr
Baker of Grayson	Kersey
Bond	Langdon
Boyd	Lock
Bradbury	London
Broadfoot	Morris
Brown of Cherokee	Newell
Cleveland	Reaves
Cockrell	Roach
Coleman	Robinson
Cornett	Russell
Davis of Upshur	Segrist
Faulkner	Skiles
Ferguson	Smith of Hopkins
Hale	Spencer
Harp	Stinson
Harrell of Lamar	Thornberry
Howington	Turner
Hunt	Weldon
Johnson of Ellis	Westbrook
Keith	White
Kennedy	

Present—Not Voting

Allen Brown
of Nacogdoches

Absent

Allison	Little
Bray	McMurry
Crossley	Petsch
Harris	Piner
Heflin	

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Harrell of Bastrop	Wells
Leonard	Worley
Schuenemann	

Question then recurring on the amendment by Mr. Bell, as amended, yeas and nays were demanded.

The amendment, as amended, was adopted by the following vote:

Yeas—74

Alsup	Bell
Anderson	Bond
Baker	Bradford
of Fort Bend	Bridgers

Bundy	Leyendecker
Burney	Loggins
Cauthorn	Mays
Celaya	McAlister
Clark	McDaniel
Cockrell	McFarland
Colquitt	McNamara
Corry	Mohrmann
Dean	Monkhouse
Dickison	Montgomery
Dickson	Nicholson
Dwyer	Pace
Faulkner	Pevehouse
Felty	Pope
Fielden	Ragsdale
Fuchs	Reader of Bexar
Gilmer	Reader of Erath
Goodman	Reed
Gordon, Mrs.	Rhodes
Hankamer	Riviere
Hardin	Segrist
Harper	Shell
Hartzog	Stinson
Holland	Stoll
Howard	Taylor
Howington	Thornton
Hull	Vale
Johnson of Ellis	Voigt
Johnson of Tarrant	Waggoner
Keith	Wilson
Kerr	Winfree
Kinard	Wood
Lehman	Wright
Leonard	

Nays—55

Bailey	Kennedy
Baker of Grayson	Kern
Blankenship	King
Boyd	Langdon
Boyer	Lock
Bradbury	London
Broadfoot	McDonald
Brown of Cherokee	Morris
Burkett	Newell
Chambers	Oliver
Cleveland	Reaves
Coleman	Roach
Colson, Mrs.	Roberts
Cornett	Robinson
Crossley	Russell
Daniel	Skiles
Davis of Jasper	Smith of Hopkins
Davis of Upshur	Smith
Derden	of Matagorda
Ferguson	Spencer
Galbreath	Talbert
Hale	Tarwater
Hamilton	Thornberry
Hardeman	Turner
Harp	Vint
Harrell of Lamar	Weldon
Hunt	Westbrook
Isaacks	White

Present—Not Voting

Allen	Brown
	of Nacogdoches

Absent

Allison	Little
Bray	McMurry
Harris	Petsch
Heflin	Piner
Kersey	

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Harrell of Bastrop	Wells
Schuenemann	Worley

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Question—Shall House Bill No. 247 pass to engrossment?

The roll of the House was called and the vote announced, as follows—Yeas, 63; Nays, 62.

A verification of the vote was requested.

Mr. Morris moved a call of the House pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—55

Alsup	Johnson of Tarrant
Anderson	Kerr
Bell	Kinard
Bond	Lehman
Bradford	Leonard
Bridgers	Leyendecker
Bundy	Little
Burney	Loggins
Cauthorn	Mays
Celaya	McAlister
Cockrell	McFarland
Colquitt	McNamara
Corry	Mohrmann
Dean	Monkhouse
Dickson	Montgomery
Dwyer	Pevehouse
Felty	Pope
Fielden	Ragsdale
Fuchs	Reader of Bexar
Gilmer	Reader of Erath
Goodman	Reed
Hankamer	Shell
Hardin	Stoll
Hartzog	Taylor
Howard	Thornton
Howington	Vale

Voigt	Winfree
Wilson	
Nays—75	
Bailey	Keith
Baker	Kennedy
of Fort Bend	Kern
Baker of Grayson	Kersey
Blankenship	King
Boyd	Langdon
Boyer	London
Bradbury	McDonald
Broadfoot	McMurry
Brown of Cherokee	Morris
Brown	Newell
of Nacogdoches	Nicholson
Burkett	Oliver
Chambers	Pace
Clark	Reaves
Cleveland	Rhodes
Coleman	Riviere
Colson, Mrs.	Roach
Cornett	Roberts
Crossley	Robinson
Daniel	Russell
Davis of Jasper	Segrist
Davis of Upshur	Skiles
Derden	Smith of Hopkins
Faulkner	Smith
Ferguson	of Matagorda
Galbreath	Spencer
Gordon, Mrs.	Stinson
Hale	Talbert
Hamilton	Tarwater
Hardeman	Thornberry
Harp	Turner
Harper	Vint
Harrell of Lamar	Waggoner
Heflin	Weldon
Hull	Westbrook
Hunt	White
Isaacks	Wood
Johnson of Ellis	Wright

Present—Not Voting

Allen	Lock
Dickison	
Absent	
Allison	McDaniel
Bray	Petsch
Harris	Piner
Holland	

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Harrell of Bastrop	Wells
Schuenemann	Worley

PAIRED

Mr. Lock (present), who would vote "nay," with Mr. Schuenemann (absent), who would vote "yea."

Mr. Dickison (present), who would vote "nay," with Mr. Donaghey (absent), who would vote "yea."

The Speaker announced that House Bill No. 247 failed to pass to engrossment by the above vote.

REASONS FOR VOTE

I vote "nay" on the passage of House Bill No. 247 for the reason that I cannot bring myself to vote for any bill which in my opinion is unconstitutional and if there had ever been any doubt in my mind about the unconstitutionality of this bill, the able opinion rendered to the House of Representatives by Attorney General Mann, supported by the decisions of our Supreme Court and the Court of Criminal Appeals, would have dispelled such doubt. The substitute for the bill is obviously as unconstitutional as the original.

ISAACKS.

I voted "yea" on engrossment because the bill has a local option effect and brings in millions of tax money from people who are willing to pay.

HOWINGTON.

I was in the Governor's office on official business. Had I been present I would have voted against horse racing.

ALLISON.

Mr. Davis of Upshur moved to reconsider the vote by which House Bill No. 247 failed to pass to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows—Yeas, 66; Nays, 61.

A verification of the vote was requested.

Mr. Morris moved a call of the House pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—69

Bailey	Brown of Cherokee
Baker of Grayson	Brown
Blankenship	of Nacogdoches
Boyd	Burkett
Boyer	Chambers
Bradbury	Clark
Broadfoot	Cleveland

Coleman	London
Colson, Mrs.	McDonald
Cornett	Morris
Crossley	Newell
Daniel	Oliver
Davis of Jasper	Pace
Davis of Upshur	Reaves
Derden	Roach
Dickison	Roberts
Ferguson	Robinson
Galbreath	Russell
Hale	Segrist
Hamilton	Skiles
Hardeman	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Lamar	Stinson
Heflin	Tarwater
Howington	Thornberry
Hunt	Turner
Isaacks	Vint
Keith	Voigt
Kennedy	Waggoner
Kern	Weldon
Kersey	Westbrook
King	White
Langdon	Wood
Lock	

Nays—60

Alsup	Kerr
Anderson	Lehman
Baker	Leonard
of Fort Bend	Leyendecker
Bell	Little
Bond	Loggins
Bradford	Mays
Bray	McAlister
Bridgers	McFarland
Bundy	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Celaya	Nicholson
Cockrell	Pevehouse
Colquitt	Pope
Corry	Ragsdale
Dean	Reader of Bexar
Dickson	Reader of Erath
Dwyer	Reed
Faulkner	Rhodes
Felty	Riviere
Fielden	Shell
Fuchs	Stoll
Gilmer	Taylor
Goodman	Thornton
Hankamer	Vale
Hartzog	Wilson
Howard	Winfree
Johnson of Ellis	Wright
Johnson of Tarrant	

Present—Not Voting

Allen

Absent

Allison	McMurry
Gordon, Mrs.	Montgomery
Harris	Petsch
Holland	Piner
Hull	Talbert
McDaniel	

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Harrell of Bastrop	Wells
Kinard	Worley
Schuenemann	

The Speaker announced that the motion to table prevailed.

REASONS FOR VOTE

My reason for not voting on House Bill No. 247, was that the Attorney General had ruled that the local option clause was unconstitutional; this had been changed, but I still was not satisfied and did not vote.

ALLEN.

Explanatory of my vote upon the motion to reconsider and table the vote by which House Bill No. 247 failed of engrossment. I voted against the motion to reconsider and table because various Members had amendments to the bill which they desired consideration of, which consideration was denied them because of hurried imposition of the "previous question."

NICHOLSON.

HOUSE BILL NO. 180 ON SECOND READING

On motion of Mr. Shell, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 180.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property

situated in Aransas County, Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency.' By extending the provisions of said Act for a period of 40 years from September 1st, 1920, and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

The bill was read second time.

Mr. Wood raised a point of order, on further consideration of House Bill No. 180, on the ground that the bill is unconstitutional in that it violates Section 10 of Article VIII of the Constitution.

The Speaker overruled the point of order.

Mr. Wood raised a point of order, on further consideration of House Bill No. 180, at this time, on the ground that the bill is unconstitutional in that it violates Sections 51, 56 and 57 of Article III of the Constitution.

The Speaker overruled the point of order.

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 180, page 3, lines 20-23, by striking out the following words: "And upon an issue or issues of bonds, the proceeds of which are to be used exclusively in constructing and maintaining seawalls, breakwaters, and shore protection to protect the City of Rockport;" and by striking out Section 6 on page 4.

(Pending consideration of the amendment, Mr. Reed occupied the Chair temporarily.)

(Speaker in the Chair.)

Question—Shall the amendment by Mr. Keith be adopted?

ADOPTION OF CONFERENCE REPORT ON HOUSE BILL No. 474

Mr. Davis of Upshur submitted the following Conference Committee report on House Bill No. 474:

House of Representatives,
Austin, Texas.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Gentlemen: We, your Committee appointed to adjust the differences in House Bill No. 474, have had same under consideration and beg to report with recommendation that same be passed, as follows:

Respectfully submitted, this the 3rd day of April, A. D., 1939.

PACE, Chairman,
NELSON,
BURNS,
VAN ZANDT,
COTTEN,

On the part of the Senate.

COLSON, MRS.,
Chairman,
DAVIS of Upshur,
WELDON,
BROADFOOT,
BOND,

On the part of the House.

H. B. No. 474,

A BILL

To Be Entitled

An Act to fix the salary of the County Superintendent of Public Instruction in counties having a population of not less than 22,100 nor more than 22,500; all counties having a population of not less than 41,050 and not more than 42,100; all counties having a population of not less than 22,600 and not more than 22,800; all counties having a population of not less than 14,550 and not more than 14,800; and in all counties having a population of not less than 11,021 and not more than 11,050, according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. From and after the passage of this Act, the salary of the County Superintendent of Public Instruction of each county in Texas having a population of not less than 22,100 and not more than 22,500, according to the last preceding Federal Census, shall be Thirty-six Hundred

(\$3600.00) Dollars per annum, to be paid in equal monthly payments out of the county's available per capita apportionment coming to such counties, upon the order of the County School Trustees.

Sec. 2. That the salary of the County Superintendent of Public Instruction of each county in Texas having a population of not less than 41,050, and not more than 42,100 according to the last preceding Federal Census shall from and after the passage of this Act be not less than the sum of \$2,800.00 per annum and not more than \$3,600.00 per annum to be fixed by the County Board of Education of each county; and in addition thereto, the County Superintendent of such counties shall receive office expenses for stamps, telephone, and stationery not exceeding \$300.00 per annum, as well as an amount not in excess of \$300.00 per annum to defray traveling expenses incurred by such county superintendents which said sum shall be paid by said County Board of Trustees on the certificate of such superintendent that the expenses had been incurred in the discharge of his duties as such superintendent.

(a) The salary and expenses provided for in Section 2 of this Act shall be paid monthly upon the order of the County School Trustees of such counties out of the county's available and State per capita apportionment coming to such counties; providing that the month of September shall not be paid until the County Superintendent of Public Instruction shall have presented a receipt or a certificate from the State Superintendent of Public Instruction showing that he has made all of the reports required by him.

Sec. 3. That the salaries of the County Superintendents of Public Instruction of each County in Texas, having a population of not less than 22,600 and not more than 22,800, according to the last preceding Federal Census, shall from and after the passage of this Act be not less than \$2200.00 per annum and not more than \$2800.00 per annum, and in Counties having a population of not less than 14,550 and not more than 14,800, according to the last preceding Federal Census, shall from and after the passage of this Act be not less than the sum of \$2200.00 and not more than \$2800.00 per annum, to be

fixed by the County Board of Education in each county.

Section 4. That the salary of the Superintendent of Public Instruction of each county in Texas having a population of not less than eleven thousand and twenty-one (11,021) nor more than eleven thousand and fifty (11,050), according to the latest Federal Census shall from and after the passage of this Act be not less than Twenty-one Hundred (\$2,100.00) Dollars per annum nor more than Twenty-four Hundred (\$2,400.00) Dollars per annum; said salary to be set by the County Board of School Trustees of each county affected.

Section 4-a. The salary shall be paid monthly upon the order of the County Board of School Trustees; provided that the month of September shall not be paid until the Superintendent of Public Instruction shall have presented a receipt or a certificate from the State Superintendent of Public Instruction showing that he has made all reports required by him.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent of such conflict.

Section 6. The fact that the duties of the office of County Superintendent of Public Instruction have greatly increased in certain counties and the fact that such Superintendents are grossly underpaid, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Davis of Upshur, the Report was adopted by the following vote:

Yeas—114

Allen	Bradford
Allison	Bray
Alsup	Bridgers
Anderson	Broadfoot
Bailey	Brown of Cherokee
Baker	Brown
of Fort Bend	of Nacogdoches
Baker of Grayson	Bundy
Blankenship	Burkett
Bond	Cauthorn
Boyd	Celaya
Boyer	Chambers

Clark	Loggins
Cleveland	London
Coleman	McAlister
Colquitt	McDonald
Colson, Mrs.	McFarland
Cornett	McMurry
Crossley	McNamara
Daniel	Mohrmann
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Derden	Newell
Dickison	Nicholson
Dwyer	Oliver
Faulkner	Pace
Felty	Pevehouse
Ferguson	Pope
Fielden	Reader of Bexar
Galbreath	Reader of Erath
Gilmer	Reaves
Gordon, Mrs.	Reed
Hale	Rhodes
Hamilton	Riviere
Hankamer	Roach
Hardeman	Roberts
Hardin	Robinson
Harp	Russell
Harper	Skiles
Harrell of Lamar	Smith of Hopkins
Holland	Smith
Howington	of Matagorda
Hull	Spencer
Hunt	Stinson
Isaacks	Stoll
Johnson of Ellis	Talbert
Johnson of Tarrant	Taylor
Keith	Thornberry
Kennedy	Thornton
Kern	Vale
Kerr	Vint
Kersey	Waggoner
Kinard	Westbrook
King	White
Langdon	Wilson
Lehman	Winfree
Leonard	Wood
Leyendecker	Wright
Lock	

Present—Not Voting

Dickson Weldon

Absent

Bell	Little
Bradbury	Mays
Burney	McDaniel
Cockrell	Monkhouse
Corry	Petsch
Dean	Piner
Fuchs	Ragsdale
Goodman	Segrist
Harris	Shell
Hartzog	Tarwater
Heflin	Turner
Howard	Voigt

Absent—Excused

Donaghey	Smith of Frio
Dowell	Tennant
Harrell of Bastrop	Wells
Schuenemann	Worley

COMMUNICATION

The Speaker laid before the House, and had read the following communication:

Yoakum, Texas,
March 29, 1939.

Hon. R. Emmett Morse, Speaker,
Texas House of Representatives.
Austin, Texas.

Dear Mr. Morse:

Permit us to express our sincere thanks to you and the Members of the House of Representatives for the beautiful floral offering and many expressions of sympathy upon the recent death of our dear husband and father.

Yours sincerely,

MRS. J. J. OLSEN and SONS.

RECALLING SENATE CONCURRENT RESOLUTION NO. 21
FROM THE GOVERNOR

Mr. Howard offered the following resolution:

H. C. R. No. 80, Recalling Senate Concurrent Resolution No. 21 from the Governor.

Whereas, Senate Concurrent Resolution No. 21 has passed the Senate and House and is now in the Governor's Office awaiting the approval of the Governor; and

Whereas, It has been learned that the San Jacinto Museum of History Association was referred to in said resolution as the San Jacinto Museum of History; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Senate Concurrent Resolution No. 21 be recalled from the Governor's Office and the Enrolling Clerk of the Senate be instructed to make said correction.

The resolution was read second time, and was adopted.

APPOINTMENT OF CONFERENCE
COMMITTEE ON HOUSE
BILL NO. 374

The Speaker announced the appointment of the following Conference Committee on House Bill No. 374:

Messrs. Hardeman, Heflin, Reaves, Dickison and Bond.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 835, "An Act to amend Subsection 8 of Article 199 of the Revised Civil Statutes, and providing an effective date."

S. B. No. 280, "An Act validating certain outstanding road and bridge time warrants of Fayette County, Texas, heretofore issued to provide funds to aid in the construction of Highway No. 20 in Road District No. 3 of said County, and Fayette County Bridge Warrants heretofore issued for the purpose of aiding in constructing a bridge across the Colorado River on Highway No. 72, and authorizing the Commissioners' Court of Fayette County to fund or refund into coupon road and bridge funding or refunding bonds of said County, said time warrants to the amount of Thirty-one Thousand, Two Hundred (\$31,200.00) Dollars; providing for the approval of said bonds by the Attorney General, and their registration by the State Comptroller, and declaring an emergency."

S. B. No. 255, "An Act to amend an Act of the Thirty-fourth Legislature, entitled an Act to create a more efficient road system for Lavaca County, Texas, being Chapter 75, Local and Special Laws, Regular Session, 1915, as amended by an Act of the Forty-first Legislature, being Chapter 24, Local and Special Laws of the Fourth Called Session, 1930, and declaring an emergency."

RECESS

Mr. Talbert moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Hamilton moved that the House recess until 7:30 o'clock p. m., today.

Mr. Felty moved that the House recess until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, it was lost.

Question then recurring on the motion by Mr. Hamilton, it prevailed, and the House, accordingly, at 5:20

o'clock p. m., took recess until 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Smith of Hopkins was granted leave of absence for this evening, on account of illness in his family, on motion of Mr. Howard.

Mr. McFarland was granted leave of absence for this evening, on account of illness, on motion of Mr. Davis of Jasper.

Mr. Piner was granted leave of absence for this evening, on account of important business, on motion of Mr. Hale.

HOUSE BILL ON FIRST READING

Mr. Alsup asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 933.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Alsup and Mr. Thornton:

H. B. No. 933, A bill to be entitled "An Act making an appropriation for the next biennium, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; making allocations of said appropriation, setting forth the benefits thereof; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; providing for the payment each year of the biennium of high school tuition for rural school pupils; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violation of any provision of this Act; declaring it to be unlawful for any agent or employee of

the State to violate any provision of this Act, and prescribing the punishment therefor; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the Supervisory Board as provided for in this Act; authorizing the State Superintendent of Public Instruction, under the direction of the Supervisory Board as provided for in this Act, to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; providing for the method and manner of appointing certain employees; providing for application for aid, and declaring an emergency."

Referred to the Committee on Appropriations.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Speaker laid before the House, for consideration, at this time,

S. C. R. No. 30, Authorizing the loan of certain highway equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Archer County; and

Whereas, The Archer City Independent School District of Archer County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said School District to fence the grounds where said athletic events will be held; and

Whereas, It would be a great accommodation to said School District if the State Highway Department were permitted to loan said District the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Archer City Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said School Board to return such wire upon request of the State Highway Department, and it is so resolved.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 180 ON PAS- SAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, House Bill No. 180, relative to remitting certain taxes to the City of Rockport, for certain period, on its passage to engrossment.

The bill having been read second time, on this afternoon, with amendment by Mr. Keith, pending.

(Mr. Thornton in the Chair.)

Mr. Shell moved to table the amendment by Mr. Keith.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows—Yeas, 55; Nays, 66.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—53

Anderson	Leonard
Baker	Little
of Fort Bend	Lock
Bell	Loggins
Boyer	McAlister
Bradford	McDaniel
Celaya	McDonald
Cleveland	McNamara
Davis of Jasper	Monkhouse
Derden	Montgomery
Dickison	Nicholson
Dwyer	Oliver
Faulkner	Petsch
Felty	Pope
Gilmer	Reader of Erath
Gordon, Mrs.	Riviere
Hankamer	Robinson
Hardeman	Shell
Hardin	Skiles
Harp	Smith
Hartzog	of Matagorda
Heflin	Tarwater
Howard	Taylor
Hull	Vale
Johnson of Ellis	Westbrook
Johnson of Tarrant	Wilson
Kersey	Wright
Kinard	

Nays—73

Allen	Bailey
Allison	Baker of Grayson
Alsup	Blankenship

Bond	Kennedy
Boyd	Kern
Bradbury	Kerr
Bray	King
Bridgers	Langdon
Broadfoot	Lehman
Brown of Cherokee	London
Brown	Mays
of Nacogdoches	McMurry
Bundy	Mohrmann
Burkett	Morris
Burney	Newell
Chambers	Pace
Clark	Pevehouse
Coleman	Reaves
Colquitt	Reed
Cornett	Rhodes
Corry	Roach
Crossley	Roberts
Davis of Upshur	Russell
Dickson	Segrist
Ferguson	Spencer
Fielden	Stinson
Fuchs	Stoll
Galbreath	Talbert
Hale	Tennant
Hamilton	Thornberry
Harper	Turner
Harrell of Lamar	Vint
Holland	Voigt
Howington	Waggoner
Hunt	Weldon
Isaacks	White
Keith	Wood

Absent

Cauthorn	Harris
Cockrell	Leyendecker
Colson, Mrs.	Ragsdale
Daniel	Reader of Bexar
Dean	Thornton
Goodman	Winfree

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
McFarland	Wells
Piner	Worley

The Speaker announced that the motion to table was lost.

Question then recurring on the amendment by Mr. Keith, it was adopted.

Mr. Wood moved that further consideration of House Bill No. 180 be postponed until 11:00 o'clock a. m., next April 28.

Mr. Anderson moved, as a substitute motion, that further consideration of House Bill No. 180 be postponed until 11:30 o'clock a. m., next April 11.

Mr. Keith moved to table the substitute motion by Mr. Anderson.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—62

Allen	Kern
Alsup	King
Baker of Grayson	Langdon
Blankenship	Lehman
Boyd	London
Bradbury	Mays
Bray	McDaniel
Broadfoot	McMurry
Brown of Cherokee	Mohrmann
Brown	Morris
of Nacogdoches	Newell
Burkett	Pace
Burney	Petsch
Coleman	Pevehouse
Colquitt	Reaves
Cornett	Reed
Crossley	Roach
Davis of Upshur	Roberts
Derden	Russell
Dickson	Segrist
Ferguson	Spencer
Fielden	Stinson
Hale	Stoll
Hardeman	Talbert
Hardin	Tennant
Harper	Turner
Holland	Vint
Howington	Voigt
Hunt	Weldon
Isaacks	White
Keith	Wood
Kennedy	

Nays—64

Allison	Fuchs
Anderson	Galbreath
Bailey	Gilmer
Baker	Goodman
of Fort Bend	Gordon, Mrs.
Bell	Hamilton
Boyer	Hankamer
Bradford	Harp
Bundy	Hartzog
Cauthorn	Heflin
Celaya	Howard
Chambers	Hull
Clark	Johnson of Ellis
Cleveland	Johnson of Tarrant
Colson, Mrs.	Kerr
Corry	Kersey
Davis of Jasper	Kinard
Dickison	Leonard
Dwyer	Little
Faulkner	Lock
Felty	Loggins

McAlister	Shell
McDonald	Skiles
McNamara	Smith of Frio
Monkhouse	Smith
Montgomery	of Matagorda
Nicholson	Tarwater
Oliver	Taylor
Pope	Thornberry
Reader of Erath	Vale
Rhodes	Westbrook
Riviere	Wilson
Robinson	Wright

Absent

Bond	Leyendecker
Bridgers	Ragsdale
Cockrell	Reader of Bexar
Daniel	Thornton
Dean	Waggoner
Harrell of Lamar	Winfree
Harris	

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

Question then recurring on the substitute motion by Mr. Anderson, yeas and nays were demanded.

The substitute motion prevailed by the following vote:

Yeas—67

Anderson	Harrell of Lamar
Baker	Hartzog
of Fort Bend	Heflin
Bond	Holland
Boyer	Howard
Bradford	Isaacks
Bridgers	Johnson of Tarrant
Bundy	Kerr
Cauthorn	Kersey
Celaya	Kinard
Chambers	King
Clark	Leonard
Cleveland	Little
Colson, Mrs.	Lock
Corry	Loggins
Davis of Jasper	McDonald
Dickison	McNamara
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Nicholson
Fuchs	Oliver
Galbreath	Pope
Gilmer	Ragsdale
Goodman	Reader of Erath
Gordon, Mrs.	Rhodes
Hamilton	Riviere
Hankamer	Roach
Harp	Robinson

Schuenemann	Taylor
Shell	Thornberry
Skiles	Vale
Smith of Frio	Westbrook
Smith	Wilson
of Matagorda	Wright
Tarwater	

Nays—60

Allen	Kennedy
Allison	Kern
Alsup	Langdon
Bailey	Lehman
Baker of Grayson	London
Blankenship	Mays
Boyd	McDaniel
Bradbury	McMurry
Bray	Mohrmann
Broadfoot	Morris
Brown of Cherokee	Newell
Brown	Pace
of Nacogdoches	Petsch
Burkett	Pevehouse
Burney	Reaves
Coleman	Reed
Colquitt	Roberts
Cornett	Russell
Crossley	Segrist
Davis of Upshur	Spencer
Derden	Stinson
Dickson	Stoll
Ferguson	Talbert
Fielden	Tennant
Hale	Turner
Hardeman	Vint
Hardin	Voigt
Harper	Weldon
Howington	White
Johnson of Ellis	Wood
Keith	

Absent

Bell	Leyendecker
Cockrell	McAlister
Daniel	Reader of Bexar
Dean	Thornton
Harris	Waggoner
Hull	Winfree
Hunt	

Absent—Excused

Donaghey	Piner
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley

HOUSE BILL NO. 286 ON SECOND READING

On motion of Mr. Brown of Cherokee, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 286.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 286, A bill to be entitled "An Act providing for the standardization of potatoes, tomatoes and other vegetables by means of the compulsory inspection, grading, classification and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; adopting the United States grades and standards for vegetables and authorizing the Commissioner to adopt other, different and additional standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors and employees from engaging in the business of buying and/or selling vegetables; providing for inspection and certification of shipments of vegetables in and/or from the State of Texas, etc., and declaring an emergency."

The bill was read second time.

Mr. Brown of Cherokee offered the following committee amendment to the bill:

Amend House Bill No. 286, by striking out all below the enacting clause, and substituting in lieu therefor the following:

Name of Act

"This Act shall be known and may be cited as the 'Tomato Standardization and Inspection Act.'"

Preamble

"In order to provide a means by which producers and shippers of tomatoes may secure prompt and efficient inspection, classification and grading of tomatoes at reasonable cost, and because the Legislature of the State of Texas recognizes that the standardization of tomato shipments through the proper grading and classification of tomatoes, by prompt and efficient inspection under competent authority, will confer benefits upon growers, shippers, carriers, receivers and consumers, in that the certification by competent authority will furnish the grower and shipper of such products with prima facie evidence of the quality, quantity and con-

dition of pack of the product so certified, and because such certification will guarantee to the carrier and receiver the quality of products carried and received by them and will assure the ultimate consumer of the quality of products delivered to him, this Act is passed."

Seasonal Limitation

The provisions of this Act shall be effective during the Texas tomato marketing season. The phrase "Texas Tomato Marketing Season" as the same is used in this Act shall be construed to mean the period from the first day of April to the first day of July in each calendar year.

Authority of Commissioner

Section 1. The inspection and certification of grade, size, pack and marking and the designation of containers of tomatoes shall be under the direction of the Commissioner of Agriculture of the State of Texas, hereinafter called the Commissioner.

Definitions

Sec. 2. For the purposes of this Act the following terms, when used in this Act, or the rules, regulations and orders made pursuant thereto, shall be construed, respectively, to mean:

"Commissioner" — The Commissioner of Agriculture of the State of Texas.

"Cooperative Agreement"—That certain agreement in regard to shipping point inspection service, effective October 1, 1931, made by and between the Texas Department of Agriculture and the Bureau of Agricultural Economics, United States Department of Agriculture, and all amendments thereto, or any additional and/or supplementary agreements hereafter made by and between the Texas Department of Agriculture and the Bureau of Agricultural Economics of the United States Department of Agriculture; said agreements being duly authorized by Public Statute Number 717, of the 71st Congress. (United States Statutes at Large.)

"Inspector," "Agent" or "Employee"—Any employee of the Department of Agriculture of the State of Texas and/or the Department of

Agriculture of the United States of America and/or of the Inspection Service of the Federal Bureau of Agricultural Economics duly authorized by either of the agencies aforesaid to inspect, grade or certify for shipment tomatoes within the State of Texas.

"Ship"—"The transportation of tomatoes by rail, water, automobile, truck, trailer or any other vehicle.

"Grade," "Standard," "Classification"—The grades, standards and classifications as to size, pack, and marking of tomatoes adopted and promulgated by the Department of Agriculture of the United States of America and such other and different grades, standards and classifications as the Commissioner may adopt which are not directly in conflict therewith.

"Cooperative Financing Plan"—That system of collecting and financing the expenses and requirements of inspection set out in and made a part of the Cooperative Agreement; it being specifically provided that this Act shall be self-financing and that no appropriation shall be made by the Legislature of the State of Texas for the enforcement thereof.

"Dealer" and "Shipper"—Any person, firm, partnership, corporation or association of persons packing and/or delivering for transportation to any transporting medium tomatoes in commercial quantities, as the term "commercial quantities" is hereinafter defined.

"Commercial Quantities"—More than five hundred (500) pounds of tomatoes packed and/or shipped and/or sold for packing and/or shipment.

"Notice"—Any notice provided for in this Act to be given to any person, firm, partnership, corporation or association of persons shall be in writing, unless hereinafter otherwise specifically provided.

"Person"—When used herein, shall be construed to mean any individual, firm, partnership, corporation or association of persons.

"Inspection Certificate"—The joint Federal-State Inspection Certificate, as provided in Section "C", of Paragraph 9, of the Cooperative Agreement.

"Deceptive Pack"—Any container or sub-container of tomatoes used within this State having imprinted,

inscribed or otherwise placed thereon any marking designating any grade, standard, count, arrangement and/or pack which does not truly represent the grade, standard and count, arrangement, and/or pack therein contained.

Exclusions

Sec. 3. The following tomatoes are hereby specifically excluded from the terms and provisions of this Act, and no inspection or certification thereof shall be required:

(A) Tomatoes sold or delivered by the grower thereof unpacked and unmarked to any person for packing and resale.

(B) A sale of a crop or any part thereof in bulk by a producer thereof to a packer for grading, packing, processing or storing.

(C) No provision of this Act shall be construed to prevent a grower or packer from manufacturing tomatoes into any by-product thereof or from selling the same unpacked or unmarked to any person actually engaged in the operation of a commercial by-product plant when the purpose of such sale is the conversion of such agricultural commodity into a by-product for re-sale.

(D) The requirements of this Act shall not be applicable to sales of tomatoes in lots less than commercial quantities, as the term "commercial quantities" is in this Act defined.

Inspection

Sec. 4. When any person within this State has in his possession or control any tomatoes for the purpose of packing for shipment in commercial quantities the said tomatoes, such person shall give due and timely notice, (said notice may be oral, written or by telephone,) to the Commissioner, his agent, inspector or employee, as to the time and place of the packing and shipping of said tomatoes, or shall report his intention to pack and ship the said tomatoes to the Inspection Station nearest the point of loading, whereupon the Commissioner, his inspector or employee, thereto duly authorized, shall proceed to the designated packing and/or shipping point and shall inspect the tomatoes proposed to be shipped, and shall, after due and proper inspection, deliver

to said dealer or shipper his certificate of inspection; said inspection certificate so delivered shall in all things conform to the inspection certificate provided for in the cooperative agreement; inspections under this Section, as to size, pack, marking and type of container used shall be in conformity with the rules and regulations adopted and prescribed by the Commissioner relative thereto.

Certification Required

Sec. 5. From and after the effective date of this Act, it shall be unlawful for any dealer or shipper to deliver to, or for any private, contract or common carrier to accept for shipment, or to transport in commercial quantities, any tomatoes, unless the tomatoes so shipped shall be accompanied by the certificate of inspection provided for in Section 4, of this Act, and any shipper, private, contract or common carrier shall have the right and may reserve the right in any receipt, bill of lading or other contract of purchase of memoranda of the same, to reject for shipment any tomatoes not accompanied by the certificate of inspection provided for in Section 4, of this Act. It is specifically provided that any private, contract or common carrier shall reject any tender of tomatoes for shipment when the inspection certificate accompanying the same shall show on its fact that the tomatoes tendered are not in compliance with his Act.

Minimum Standards Required

Sec. 6. From and after the effective date of this Act, no person within an area in which this Act is operative shall pack for sale, consign for sale or sell or deliver to any transporting agency within this State in commercial quantities, any tomatoes unless the said tomatoes shall conform to the United States standards, grades, or classifications by this Act required, or the grades or classifications promulgated by the Commissioner pursuant to his authority herein granted.

Additional Grades Authorized

Sec. 7. The Commissioner is hereby authorized, in his discretion and if necessity requires, to adopt, prescribe and promulgate other, different and additional grades of toma-

atoes, provided that such other and different standards and grades shall not conflict with the United States grades herein adopted. The Commissioner is further authorized to issue rules and regulations relating to standards, grades, pack and marking of tomatoes, as well as to containers and sub-containers to be used in the packing and shipping thereof.

Publication of Orders Protest and Appeal

Sec. 8. The Commissioner shall cause to be published in newspapers of general circulation in counties affected by this Act within this State such rules and regulations as he desires to promulgate under the terms of this Act. Any person aggrieved by any rule or regulation of the Commissioner so published, shall, within fifteen (15) days from and after the publication thereof, file his protest with the Commissioner. Such protest shall contain a clear and concise statement of the reasons therefor. The Commissioner shall set a date for a hearing, said date to be not less or not more than ten (10) days from and after the filing of said protest. The Commissioner or his agent or employee thereunto duly authorized, shall hold said hearing; said hearing shall be public in nature, and the Commissioner is authorized to hear testimony on the said protest, whereupon the Commissioner shall make his ruling upon the evidence introduced. Any person aggrieved by ruling of the Commissioner on the hearing of any protest under this Act, may, within ten (10) days from and after final decision by the Commissioner, have his appeal from the Commissioner's order to any Court of competent jurisdiction within this State; if no appeal is taken from the Commissioner's order within the ten (10) day period herein stipulated, the order of the Commissioner shall become final; it is specifically provided that no appeal taken from an order of the Commissioner shall operate in effect to suspend this law or any order of the Commissioner issued pursuant thereto, pending final determination of said appeal.

Containers

Sec. 9. The Commissioner is hereby authorized to prescribe containers for use in the shipment of to-

tomatoes and is authorized to promulgate and publish rules and regulations relative to the use of containers for the shipment of tomatoes in the State of Texas; the rules and regulations adopted by the Commissioner shall conform to Article 109, of Chapter 6, Revised Civil Statutes of Texas, 1925; the Commissioner is, however, hereby authorized to provide for and adopt other and different containers, provided that the use of such other and different containers is not prohibited under any Statutes of the United States, the rules of the Inter-State Commerce Commission, or the regulations of the United States Department of Agriculture; no container or sub-container used in the packing and/or shipment of tomatoes within this State shall have imprinted or inscribed or otherwise placed thereon any designation of grade, standard, count, arrangement, or pack which is false and misleading; this provision shall be construed to prohibit, from and after the effective date of this Act, the use of any container of tomatoes bearing any markings required by this Act or any designation of brand, trade-mark, quality, standard count arrangement, or grade, unless all markings which do not properly and accurately apply to the products therein packed, shall first be completely removed, erased or obliterated.

Inspection Contributions

Sec. 10. It is provided that this law shall be self-financing and that the Legislature shall make no appropriation for the enforcement thereof; the Commissioner is hereby authorized and empowered to enter into agreements with the United States Department of Agriculture, and the Inspection Service of the Federal Bureau of Agricultural Economics, relative to the amounts of contributions to be received from dealers and shippers for inspecting and grading services under the terms and provisions of this Act; it is further provided that the Commissioner may, in his discretion, adopt rules and regulations relating to such inspection contributions which will, in effect, adopt the financing plan provided under the Cooperative Agreement, provided that the contribution shall be fixed as nearly as possible with reference to the cost of main-

taining the expenses of inspection and grading tomatoes under the Cooperative Agreement; the amount of contribution for each different service of an inspection and grading rendered may be different, but in no event shall the contribution for inspection of tomatoes exceed Six Dollars (\$6.00) per car lot for inspection or grading service rendered in a regular packing house, or at a regular loading point; it is specifically provided that any regular inspection or grading service made or performed at a point distant from a packing shed or loading point, shall be for an amount sufficient to cover the actual cost of such inspection and/or grading service; all contributions for inspection or grading services rendered shall be paid and delivered to the inspector by the person packing or making the shipment prior to the delivery of the certificate of inspection; whenever any person so packing and/or shipping tomatoes fails or refuses to pay the contribution prescribed for the services rendered, the inspector shall withhold delivery of the inspection certificate until the prescribed contribution is paid; no inspector, agent or employee shall charge or collect a greater sum than the prescribed contribution fee for the services rendered; all monies contributed for services of inspection and/or grading under the terms and provisions of this Act shall be handled and disbursed under the terms of the Cooperative Agreement; the County Auditor of any County, in which this Act is operative, shall have access to the financial records, books, vouchers and reports of the chief inspector at all times and shall have the authority to make an audit of such books when, in his judgment, an audit shall be deemed wise, and, upon written request of the Commissioner, said County Auditor shall audit and make his report in writing to the Commissioner regarding the fiscal affairs of the contribution account.

Penalties

Sec. 11. From and after the effective date of this Act, it shall be unlawful for any individual, firm, partnership, corporation or association of persons to:

(A) Wilfully or knowingly interfere with the Commissioner or any

agent, inspector or employee, as these terms are in this Act defined, in the performance of their duties under this Act.

(B) To ship any tomatoes without first obtaining the inspection certificate required under the terms and provisions of this Act.

(C) Knowingly and wilfully deliver to any transporting medium or agency any tomatoes "deceptively packed."

(D) Use any container or sub-container in the packing and/or shipping of tomatoes which has imprinted, inscribed or otherwise placed thereon any designation of grade, standard, size, count or pack which is false and/or misleading.

(E) Use, in the shipment of tomatoes in or from the State of Texas, any container or sub-container, the use of which is not authorized by law and/or the rules, regulations and orders of the Commissioner.

(F) Falsify, forge or change any inspection certificate required under the terms and provisions of this Act.

(G) To wilfully and knowingly fail and refuse to obey any order, rule or regulation issued by the Commissioner pursuant to his authority granted under the terms and provisions of this Act.

(H) It shall be unlawful for any transporting agency or medium or agent of any transporting medium to accept for transportation any tomatoes when the inspection certificate accompanying and relating to such tomatoes shows on its face that the tomatoes so delivered to such transporting medium is not properly certified for transportation.

(I) It shall be unlawful for the Commissioner, his agents, inspectors and/or employees to engage in business as a dealer in tomatoes, save and except that this Section shall not be construed to in anywise prohibit the Commissioner, his agents, inspectors and/or employees from selling, in the capacity of producers, of tomatoes grown and produced by them.

Any person violating any of the terms or provisions of this Act shall be guilty of a misdemeanor and on conviction, shall be fined not to exceed Two Hundred (\$200.00) Dollars.

Act Cumulative

Sec. 12. This Act shall be cumulative of all laws now operative in

the State of Texas relating to the inspection and/or grading and/or standardization of tomatoes, provided that all laws or parts of laws specifically conflicting herewith are hereby repealed.

Saving Clause

Sec. 13. If any section, subsection, clause or phrase of this Act is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Emergency Clause

Sec. 14. The fact that the tomato growers and shippers of the State of Texas will suffer heavy losses unless prompt and efficient provision is made for inspection, grading, standardizing and marking of tomatoes to be shipped in or from the State of Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House be suspended and that this Act take effect and be in force from and after its passage and it is so enacted."

Mr. Brown of Cherokee offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 286, Section 10, page 7, of the printed bill, line 27, by striking out the word "fee."

The amendment to the committee amendment was adopted.

Mr. Brown of Cherokee offered the following amendment to the committee amendment:

Amend House Bill No. 286, Section 3, page 3 of the printed bill by adding another Subsection to be numbered as Section C-2, to read, as follows:

"(C-2) The Commissioner may, in his discretion, issue to any grower of tomatoes who permits his entire crop of tomatoes to ripen on the vine, and markets the same as ripe tomatoes, a permit to personally transport and sell same to retail merchants or consumers, only tomatoes produced by

him, provided that the said Commissioner may cancel said permit when in his judgment the same has been abused."

The amendment to the committee amendment was adopted.

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 286, by striking out the enacting clause.

On motion of Mr. Brown of Cherokee, the amendment was tabled.

Mr. Cornett offered the following amendment to the committee amendment:

Amend committee amendment No. 1 of House Bill No. 286, page 1, line 34, by striking out the words "first day," and substituting in lieu thereof the word "fifteenth."

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Brown of Cherokee offered the following committee amendment to the bill:

Amend House Bill No. 286, by striking out all above the enacting clause, and inserting in lieu thereof, the following:

A BILL

To Be Entitled

An Act providing for the standardization of tomatoes by means of the compulsory inspection, grading classification and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; adopting the United States grades and standards for tomatoes and authorizing the Commissioner to adopt other, different and additional grades and standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate and publish rules and regulations to effectuate and terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors and employees from engaging in the business of buying and/or selling tomatoes; providing for inspection and certification of shipments of tomatoes in and/or from the State of Texas; defining the terms "in-

spectors and/or agents and/or employees" of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture for the inspection and/or grading and/or certification of tomatoes; providing for the expenses of the enforcement of this Act by means of contributions from growers and/or shippers of tomatoes and/or by virtue of cooperative agreement between the Commissioner and the United States Department of Agriculture; providing that this law shall be self-financing and that no appropriation shall be required; making notice to the Commissioner by packers and/or shippers of tomatoes and their intention to ship mandatory; providing that certificates issued under and by virtue of Act shall be prima facie evidence of the truth of their contents in all Courts of the State of Texas; authorizing the Commissioner to prescribe containers for use in the shipment of tomatoes and regulating the re-use of such containers; defining "deceptive pack" and providing that "deceptive pack" shall be unlawful; making certain exclusions; providing for the proper marking of packages, parcels and containers of tomatoes shipped in and/or from the State of Texas; providing penalties for violations of this Act; making this Act cumulative of all laws now on the Statutes of the State of Texas; repealing all Statutes or parts of Statutes directly in conflict herewith, and declaring an emergency.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 286 was then passed to engrossment.

HOUSE BILL NO. 286 ON THIRD READING

Mr. Brown of Cherokee moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 286 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Allen	Keith
Allison	Kennedy
Alsup	Kern
Anderson	Kersey
Baker	Kinard
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lehman
Blankenship	Leonard
Bond	Little
Boyd	Lock
Bradbury	Loggins
Bradford	London
Bray	Mays
Bridgers	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Brown	McMurry
of Nacogdoches	McNamara
Bundy	Mohrmann
Burkett	Monkhouse
Burney	Montgomery
Cauthorn	Morris
Celaya	Newell
Chambers	Nicholson
Clark	Pace
Cleveland	Petsch
Coleman	Pevehouse
Colquitt	Pope
Cornett	Reader of Erath
Corry	Rhodes
Crossley	Riviere
Daniel	Roach
Derden	Roberts
Dickison	Robinson
Dickson	Russell
Dwyer	Schuenemann
Faulkner	Segrist
Ferguson	Shell
Fielden	Skiles
Fuchs	Smith of Frio
Galbreath	Spencer
Gilmer	Stinson
Gordon, Mrs.	Stoll
Hamilton	Talbert
Hankamer	Tarwater
Hardeman	Taylor
Hardin	Thornberry
Harper	Vale
Harrell of Lamar	Vint
Hartzog	Voigt
Heflin	Waggoner
Holland	Weldon
Howard	Westbrook
Howington	White
Hull	Wilson
Hunt	Winfree
Isaacks	Wright
Johnson of Tarrant	

Nays—7

Bailey	Davis of Upshur
Boyer	Harp

Kerr
Reed

Wood

Present—Not Voting

Davis of Jasper Reaves

Absent

Cockrell	Leyendecker
Colson, Mrs.	Oliver
Dean	Ragsdale
Felty	Reader of Bexar
Goodman	Smith
Hale	of Matagorda
Harris	Thornton
Johnson of Ellis	Turner

Absent—Excused

Donaghey	Smith of Hopkins
Dowell	Tennant
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

The Chair then laid House Bill No. 286 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Allen	Derden
Allison	Dickison
Alsup	Dwyer
Anderson	Ferguson
Baker	Fielden
of Fort Bend	Fuchs
Baker of Grayson	Gilmer
Bell	Goodman
Blankenship	Gordon, Mrs.
Bond	Hamilton
Boyd	Hankamer
Bradbury	Hardeman
Bradford	Hardin
Bray	Harper
Bridgers	Harrell of Lamar
Broadfoot	Hartzog
Brown of Cherokee	Heflin
Brown	Holland
of Nacogdoches	Howard
Bundy	Hull
Burkett	Hunt
Burney	Isaacks
Cauthorn	Johnson of Tarrant
Celaya	Kennedy
Chambers	Kern
Clark	Kersey
Cleveland	Kinard
Coleman	King
Colquitt	Langdon
Cornett	Lehman
Corry	Leonard
Crossley	Little
Daniel	Lock
Davis of Jasper	Loggins

London	Schuenemann
Mays	Segrist
McAlister	Shell
McDaniel	Smith of Frio
McDonald	Spencer
McMurry	Stinson
McNamara	Stoll
Montgomery	Talbert
Newell	Tarwater
Nicholson	Taylor
Oliver	Tennant
Petsch	Thornberry
Pevehouse	Vale
Pope	Vint
Ragsdale	Voigt
Reader of Erath	Weldon
Rhodes	Westbrook
Riviere	White
Roach	Wilson
Roberts	Winfree
Robinson	Wright
Russell	

Nays—18

Bailey	Kerr
Boyer	Mohrmann
Davis of Upshur	Monkhouse
Dickson	Morris
Faulkner	Pace
Galbreath	Reed
Harp	Skiles
Howington	Waggoner
Keith	Wood

Present—Not Voting

Reaves

Absent

Cockrell	Leyendecker
Colson, Mrs.	Reader of Bexar
Dean	Smith
Felty	of Matagorda
Hale	Thornton
Harris	Turner
Johnson of Ellis	

Absent—Excused

Donaghey	Piner
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley

Mr. Brown of Cherokee moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 190 ON SECOND READING

On motion of Mr. Allison, the regular order of business was suspended, to take up, and have placed on its

second reading and passage to engrossment, House Bill No. 190.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 190, A bill to be entitled "An Act making the giving of any check, draft or order for money upon any bank, firm, person or corporation, a felony, providing the person so giving such check, draft or order has not at the time of giving such check, draft or order sufficient funds deposited with such bank, firm, person or corporation to pay such check, draft or order; providing for the punishment for violation thereof; repealing Section 4 of Article 1546 of the Penal Code of the State of Texas as revised in 1925, and declaring an emergency."

The bill was read second time.

Mr. Allison offered the following committee amendment to the bill:

Amend House Bill No. 190, by striking out everything below the enacting clause, and substituting therefor, the following:

"Section 1. It shall be unlawful for any person, with intent to defraud, to obtain any money, goods, service, or other thing of value by giving or drawing any check, draft, or order upon any bank, person, firm, or corporation, if such person does not, at the time said check, draft, or order is so given or drawn, have sufficient funds with such bank, person, firm, or corporation to pay such check, draft, or order, and all other checks, drafts, or orders upon said funds outstanding at the time such check, draft, or order was so given or drawn; provided that if such check, draft, or order is not paid upon presentation, the non-payment of same shall be prima facie evidence that such person giving or drawing such check, draft, or order had insufficient funds with the drawee to pay same at the time the said check, draft, or order was given or drawn and that said person gave or drew such check, draft, or order with intent to defraud; and provided further that proof of the deposit of said check, draft, or order with a bank for collection in the ordinary channels of trade and the return of said check, draft, or order unpaid to the person making such deposit shall be prima facie evidence of presentation to, and non-

payment of said check, draft, or order by, the bank, person, firm, or corporation upon whom it was drawn; and provided further that where such check, draft, or order has been protested, the notice of protest thereof shall be admissible as proof of presentation and non-payment and shall be prima facie evidence that said check, draft, or order was presented to the bank, person, firm, or corporation upon which it was drawn and was not paid.

Section 2. It shall be unlawful for any person, with intent to defraud, to pay for any goods, service, or other thing of value, theretofore received, by giving or drawing any check, draft, or order upon any bank, person, firm, or corporation, if such person does not, at the time said check, draft, or order is so given or drawn, have sufficient funds with such bank, person, firm or corporation to pay such check, draft, or order, and all other checks, drafts, or orders upon said funds outstanding at the time such check, draft or order was so given or drawn; provided that such check, draft, or order is not paid upon presentation, the non-payment of same shall be prima facie evidence that such person giving or drawing such check, draft, or order had insufficient funds with the drawee to pay same at the time the said check, draft, or order was given or drawn and that said person gave such check, draft, or order with intent to defraud; and provided further that proof of the deposit of said check, draft, or order with a bank for collection in the ordinary channels of trade and the return of said check, draft, or order unpaid to the person making such deposit shall be prima facie evidence of presentation to, and non-payment of said check, draft, or order by, the bank, person, firm, or corporation upon whom it was drawn; and provided further that where such check, draft, or order has been protested, the notice of protest thereof shall be admissible as proof of presentation and non-payment and shall be prima facie evidence that said check, draft, or order was presented to the bank, person, firm, or corporation upon which it was drawn and was not paid.

Section 3. It shall be unlawful for any person, with intent to defraud, to secure or retain possession of any personal property, to which a lien has

attached, by the drawing or giving of any check, draft, or order upon any bank, person, firm, or corporation, if such person does not, at the time said check, draft, or order is so given or drawn, have sufficient funds with such bank, person, firm, or corporation to pay such check, draft, or order, and all other checks, drafts, or orders upon said funds outstanding at the time such check, draft, or order so given or drawn; provided that if such check, draft, or order is not paid upon presentation, the non-payment of same shall be prima facie evidence that such person giving or drawing such check, draft, or order had insufficient funds with the drawee to pay same at the time the said check, draft, or order was given or drawn and that said person gave such check, draft, or order with intent to defraud; and provided further that proof of the deposit of said check, draft, or order with a bank for collection in the ordinary channels of trade and the return of said check, draft, or order unpaid to the person making such deposit shall be prima facie proof of presentation to, and non-payment of said check, draft, or order by, the bank, person, firm, or corporation upon which it was drawn; and provided further that where such check, draft, or order has been protested, the notice of protest thereof shall be admissible as proof of presentation and non-payment and shall be prima facie evidence that said check, draft, or order was presented to the bank, person, firm, or corporation upon which it was drawn and was not paid; and provided further that the removal of such personal property, from the premises upon which it was located at the time such check, draft, or order was drawn or given, shall be prima facie evidence that possession of such property was retained or secured by the giving or drawing of said check, draft, or order.

Section 4. Section 4 of Article 1546 of the Penal Code of the State of Texas as revised in 1925 be, and the same is hereby, repealed.

Section 5. Any person violating any provision of this Act shall be guilty of a felony and, upon conviction, shall be fined in any sum not to exceed One Thousand (\$1,000.00) Dollars, or imprisoned in the county jail for any period of time not to exceed twelve (12) months, or im-

prisoned in the State penitentiary for any period of time not to exceed three (3) years; or such person so violating the provisions of this Act may be punished by both such fine and imprisonment.

Section 6. If any Section, Subsection, clause, phrase, or sentence of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, clause, phrase, or sentence thereof, irrespective of the fact that one or more of the Sections, Subsections, clauses, phrases, or sentences be declared unconstitutional.

Section 7. The fact that the number of checks drawn and negotiated upon banks without funds to pay such checks is increasing within the State and that the laws of the State of Texas are not now sufficient to cope with such situation, and that the giving of such checks imposes an undue hardship and burden upon people of the State of Texas, creates an imperative public necessity, that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(Speaker in the Chair.)

Mr. Wright offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to House Bill No. 190, by striking out Section 5 thereof, and inserting in lieu thereof, the following:

"Any person violating any provision of this Act shall be punished in the same manner as is provided for the punishment of theft, according to the amount of money or the value of the property, goods, service, labor or other thing of value so fraudulently acquired or paid for by giving a worthless check."

Mr. Fielden moved the previous question on the pending amendments, and the engrossment of House Bill No. 190, and the main question was ordered.

Question recurring on the amendment by Mr. Wright, to the committee amendment, it was lost.

The committee amendment was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 190 was then passed to engrossment.

HOUSE BILL NO. 190 ON THIRD READING

Mr. Allison moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Allen	Gilmer
Allison	Gordon, Mrs.
Alsup	Hamilton
Bailey	Hankamer
Baker	Hardeman
of Fort Bend	Hardin
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Lamar
Bond	Hartzog
Boyd	Heflin
Boyer	Howard
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Tarrant
Brown of Cherokee	Keith
Brown	Kennedy
of Nacogdoches	Kern
Bundy	Kerr
Burkett	Kersey
Burney	Kinard
Cauthorn	King
Celaya	Langdon
Chambers	Lehman
Clark	Leonard
Cleveland	Little
Coleman	London
Colquitt	Mays
Cornett	McAlister
Corry	McDaniel
Crossley	McDonald
Davis of Jasper	McMurry
Derden	McNamara
Dickison	Monkhouse
Dickson	Montgomery
Dwyer	Morris
Felty	Newell
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Pace
Galbreath	Petsch

Pevehouse	Stinson
Ragsdale	Talbert
Reader of Erath	Tarwater
Reaves	Taylor
Reed	Tennant
Rhodes	Thornberry
Riviere	Thornton
Roach	Turner
Roberts	Vale
Robinson	Vint
Russell	Voigt
Schuenemann	Waggoner
Segrist	Weldon
Shell	Westbrook
Skiles	White
Smith of Frio	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	

Nays—4

Davis of Upshur	Mohrmann
Faulkner	Wright

Absent

Anderson	Holland
Cockrell	Johnson of Ellis
Colson, Mrs.	Leyendecker
Daniel	Lock
Dean	Loggins
Goodman	Pope
Hale	Reader of Bexar
Harris	Stoll

Absent—Excused

Donaghey	Piner
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley

The Speaker then laid House Bill No. 190 before the House on third reading and final passage.

The bill was read third time.

Mr. Robinson offered the following committee amendment to the bill:

Amend House Bill No. 190, Section 1, by adding after the word "service," and before the words, "or other thing of value," the word "labor."

The amendment was adopted by the following vote:

Yeas—120

Allen	Blankenship
Allison	Bond
Alsup	Boyd
Anderson	Boyer
Bailey	Bradbury
Baker	Bradford
of Fort Bend	Bray
Baker of Grayson	Bridgers
Bell	Brown of Cherokee

Brown	Lock
of Nacogdoches	London
Bundy	Mays
Burkett	McAlister
Burney	McDaniel
Cauthorn	McDonald
Celaya	McMurry
Chambers	McNamara
Clark	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Colquitt	Newell
Cornett	Nicholson
Corry	Oliver
Crossley	Pace
Davis of Jasper	Petsch
Derden	Pevehouse
Dickison	Ragsdale
Dickson	Reader of Erath
Dwyer	Reaves
Faulkner	Reed
Ferguson	Rhodes
Fielden	Riviere
Fuchs	Roach
Gilmer	Roberts
Goodman	Robinson
Hamilton	Russell
Hankamer	Segrist
Hardeman	Skiles
Hardin	Smith of Frio
Harp	Smith
Harper	of Matagorda
Harrell of Lamar	Spencer
Heflin	Stinson
Holland	Stoll
Howard	Talbert
Howington	Tarwater
Hull	Taylor
Hunt	Tennant
Isaacks	Thornberry
Johnson of Tarrant	Thornton
Keith	Turner
Kennedy	Vale
Kern	Vint
Kerr	Voigt
Kersey	Waggoner
Kinard	Weldon
King	White
Langdon	Wilson
Lehman	Winfree
Leonard	Wood
Little	

Nays—6

Broadfoot	Gordon, Mrs.
Davis of Upshur	Westbrook
Galbreath	Wright

Absent

Colson, Mrs.	Harris
Daniel	Hartzog
Dean	Johnson of Ellis
Felty	Leyendecker
Hale	Loggins

Pope
Reader of Bexar

Shell

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

Mr. Robinson offered the following committee amendment to the bill:

Amend House Bill No. 190, Section 2, by adding after the word "service," and before the words "or other thing of value," the word "labor."

The amendment was adopted by the following vote:

Yeas—108

Allen	Hamilton
Allison	Hankamer
Alsup	Hardeman
Anderson	Harp
Bailey	Harper
Baker	Harrell of Lamar
of Fort Bend	Heflin
Baker of Grayson	Holland
Bell	Howard
Blankenship	Howington
Bond	Hull
Boyd	Hunt
Boyer	Isaacks
Bradbury	Johnson of Tarrant
Bradford	Keith
Bray	Kennedy
Bridgers	Kern
Brown of Cherokee	Kerr
Brown	Kersey
of Nacogdoches	Kinard
Burkett	King
Burney	Langdon
Cauthorn	Lehman
Celaya	Leonard
Chambers	Lock
Clark	London
Cleveland	Mays
Cockrell	McAlister
Coleman	McDaniel
Cornett	McDonald
Corry	McNamara
Davis of Upshur	Mohrmann
Derden	Monkhouse
Dickison	Morris
Dickson	Nicholson
Dwyer	Oliver
Faulkner	Pevehouse
Ferguson	Reader of Erath
Fielden	Reed
Fuchs	Rhodes
Gilmer	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts

Robinson	Thornberry
Russell	Thornton
Segrist	Turner
Skiles	Vale
Smith of Frio	Vint
Smith	Voigt
of Matagorda	Waggoner
Spencer	Weldon
Stinson	White
Stoll	Wilson
Talbert	Winfree
Tarwater	Wood
Taylor	

Nays—4

Davis of Jasper	Westbrook
Galbreath	Wright

Absent

Broadfoot	Little
Bundy	Loggins
Colquitt	McMurry
Colson, Mrs.	Montgomery
Crossley	Newell
Dean	Pace
Felty	Petsch
Hale	Pope
Hardin	Ragsdale
Harris	Reader of Bexar
Hartzog	Shell
Johnson of Ellis	Tennant
Leyendecker	

Absent—Excused

Daniel	Reaves
Donaghey	Schuenemann
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

Mr. Hull offered the following amendment to the bill:

Amend House Bill No. 190, by adding a new Section to be known as Section 1A, and to read, as follows:

"Sec. 1A. No person shall be considered guilty of violation of any provision of this Act on the presentation of sufficient proof that such person has an active and/or open account in the bank on which the check or draft is drawn. In the event such check, draft or order be returned because of 'insufficient funds,' he may, at the discretion of the court, be allowed sufficient time to compensate the plaintiff."

The amendment was adopted by the following vote:

Yeas—102

Allen	Alsup
Allison	Bailey

Baker	Kennedy
of Fort Bend	Kern
Baker of Grayson	Kersey
Bell	Kinard
Boyd	Langdon
Bradbury	Lehman
Bray	Leonard
Brown of Cherokee	Lock
Brown	London
of Nacogdoches	McDonald
Bundy	McMurry
Burkett	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Celaya	Montgomery
Chambers	Newell
Clark	Nicholson
Cleveland	Oliver
Cockrell	Pace
Coleman	Petsch
Colquitt	Pevehouse
Cornett	Reader of Erath
Corry	Reaves
Crossley	Reed
Davis of Jasper	Riviere
Davis of Upshur	Roach
Derden	Roberts
Dickison	Russell
Dickson	Segrist
Faulkner	Skiles
Ferguson	Smith
Fielden	of Matagorda
Galbreath	Spencer
Gilmer	Stinson
Goodman	Stoll
Gordon, Mrs.	Talbert
Hamilton	Tarwater
Hankamer	Taylor
Hardeman	Thornberry
Hardin	Turner
Harper	Vale
Harrell of Lamar	Vint
Heflin	Waggoner
Holland	Weldon
Howard	Westbrook
Howington	White
Hull	Wilson
Hunt	Winfree
Johnson of Ellis	Wood
Johnson of Tarrant	Wright
Keith	

Nays—19

Blankenship	Mays
Bond	McAlister
Boyer	McDaniel
Bradford	Morris
Bridgers	Rhodes
Broadfoot	Robinson
Fuchs	Smith of Frio
Harp	Tennant
Kerr	Thornton
King	

Absent

Anderson	Isaacks
Colson, Mrs.	Leyendecker
Daniel	Little
Dean	Loggins
Dwyer	Pope
Felty	Ragsdale
Hale	Reader of Bexar
Harris	Shell
Hartzog	Voigt

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

Mr. Fielden moved to reconsider the vote by which the amendment by Mr. Hull was adopted.

Mr. Hull moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote, it prevailed.

Question—Shall the amendment by Mr. Hull be adopted?

Mr. Vint offered the following substitute for the amendment, by Mr. Hull:

Amend House Bill No. 190, page 1, line 10, by inserting after the word "defraud," the following words, "provided that such intent shall be presumed after 15 days notice by the holder of the check."

Mr. Petsch moved the previous question on the pending amendments, and the final passage of House Bill No. 190, and the main question was ordered.

Question first recurring on the substitute amendment by Mr. Vint, it was lost.

Question then recurring on the amendment by Mr. Hull, it was lost.

Mr. Hull moved to suspend the Rule relative to operating under the previous question for the purpose of offering certain amendment.

The motion to suspend the rule was lost.

House Bill No. 190 was then passed by the following vote:

Yeas—119

Allen	Alsup
Allison	Anderson

Bailey	Kern
Baker	Kerr
of Fort Bend	Kersey
Baker of Grayson	Kinard
Bell	King
Blankenship	Langdon
Boyd	Lehman
Boyer	Leonard
Bradbury	Leyendecker
Bradford	Little
Bray	Lock
Bridgers	London
Broadfoot	Mays
Brown of Cherokee	McAlister
Brown	McDaniel
of Nacogdoches	McDonald
Bundy	McMurry
Burkett	McNamara
Burney	Monkhouse
Cauthorn	Montgomery
Celaya	Morris
Chambers	Newell
Clark	Nicholson
Cleveland	Oliver
Cockrell	Petsch
Coleman	Pevehouse
Colquitt	Ragsdale
Cornett	Reader of Erath
Corry	Reed
Crossley	Rhodes
Davis of Jasper	Riviere
Derden	Roach
Dickison	Roberts
Dickson	Robinson
Dwyer	Russell
Felty	Segrist
Ferguson	Skiles
Fielden	Smith of Frio
Fuchs	Smith
Gilmer	of Matagorda
Goodman	Spencer
Hamilton	Stinson
Hankamer	Stoll
Hardeman	Talbert
Hardin	Tarwater
Harp	Taylor
Harper	Tennant
Harrell of Lamar	Thornberry
Heflin	Thornton
Holland	Turner
Howard	Vale
Howington	Voigt
Hull	Waggoner
Hunt	Weldon
Isaacks	Westbrook
Johnson of Ellis	White
Johnson of Tarrant	Wilson
Keith	Winfree
Kennedy	Wood

Nays—6

Davis of Upshur	Mohrmann
Galbreath	Vint
Gordon, Mrs.	Wright

Present—Not Voting

Reaves

Absent

Bond	Hartzog
Colson, Mrs.	Loggins
Daniel	Pace
Dean	Pope
Faulkner	Reader of Bexar
Hale	Shell
Harris	Smith of Hopkins

Absent—Excused

Donaghey	Piner
Dowell	Schuenemann
Harrell of Bastrop	Wells
McFarland	Worley

Mr. Allison moved to reconsider the vote by which House Bill No. 190 was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 590 ON SECOND READING

On motion of Mr. Bell, (on Mr. Vale's suspension) the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 590.

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 590, A bill to be entitled "An Act to provide an emergency appropriation of Twenty Thousand Dollars (\$20,000.00) payable out of any funds in the State Treasury, not otherwise appropriated, for the use and benefit of the Gas Utilities Division of the Railroad Commission of Texas and for the use and benefit of the Attorney General's Department; providing for repayment of said sum to the general revenue, and further providing certain conditions and restrictions upon use of said sum, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 590 ON THIRD READING

Mr. Bell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 590 be placed on its third reading, and final passage.

The motion prevailed by the following vote:

Yeas—112

Allen	Keith
Allison	Kennedy
Alsup	Kern
Bailey	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lehman
Blankenship	Little
Bond	Lock
Boyd	London
Boyer	McAlister
Bradbury	McDaniel
Bradford	McDonald
Bray	McMurry
Bridgers	McNamara
Brown of Cherokee	Mohrmann
Brown	Morris
of Nacogdoches	Newell
Bundy	Nicholson
Burkett	Oliver
Burney	Petsch
Cauthorn	Pevehouse
Chambers	Ragsdale
Clark	Reader of Erath
Cleveland	Reaves
Cockrell	Reed
Coleman	Riviere
Colquitt	Roach
Colson, Mrs.	Roberts
Cornett	Robinson
Crossley	Russell
Daniel	Segrist
Davis of Upshur	Skiles
Derden	Smith of Frio
Dickson	Smith
Dwyer	of Matagorda
Ferguson	Spencer
Fielden	Stinson
Fuchs	Stoll
Gilmer	Talbert
Goodman	Tarwater
Gordon, Mrs.	Taylor
Hamilton	Tennant
Hankamer	Thornberry
Hardeman	Thornton
Hardin	Turner
Harp	Vint
Harper	Voigt
Harrell of Lamar	Waggoner
Heflin	Weldon
Holland	Westbrook
Howard	White
Howington	Wilson
Hull	Winfree
Isaacks	Wood
Johnson of Ellis	Wright
Johnson of Tarrant	

Nays—1

Corry

Absent

Anderson	Kinard
Broadfoot	Leonard
Celaya	Leyendecker
Davis of Jasper	Loggins
Dean	Mays
Dickison	Monkhouse
Faulkner	Montgomery
Felty	Pace
Galbreath	Pope
Hale	Reader of Bexar
Harris	Rhodes
Hartzog	Shell
Hunt	Vale

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

The Speaker then laid House Bill No. 590 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—114

Allen	Dwyer
Allison	Ferguson
Alsup	Fielden
Bailey	Fuchs
Baker	Galbreath
of Fort Bend	Gilmer
Baker of Grayson	Goodman
Bell	Gordon, Mrs.
Blankenship	Hamilton
Bond	Hankamer
Boyd	Hardeman
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Bray	Harrell of Lamar
Bridgers	Heflin
Brown of Cherokee	Holland
Bundy	Howard
Burkett	Howington
Burney	Hull
Cauthorn	Hunt
Chambers	Isaacks
Clark	Johnson of Ellis
Cleveland	Johnson of Tarrant
Cockrell	Keith
Coleman	Kennedy
Colquitt	Kern
Colson, Mrs.	Kerr
Cornett	Kersey
Crossley	Kinard
Daniel	King
Davis of Upshur	Langdon
Derden	Lehman
Dickson	Leonard

Little	Segrist
Lock	Skiles
Loggins	Smith of Frio
London	Smith
McAlister	of Matagorda
McDaniel	Spencer
McDonald	Stinson
McMurry	Stoll
McNamara	Talbert
Mohrmann	Tarwater
Morris	Taylor
Newell	Tennant
Nicholson	Thornberry
Oliver	Thornton
Petsch	Turner
Pevehouse	Vint
Ragsdale	Voigt
Reader of Erath	Waggoner
Reaves	Weldon
Reed	White
Riviere	Wilson
Roberts	Winfree
Robinson	Wood
Russell	Wright

Nays—1

Roach

Present—Not Voting

Brown
of Nacogdoches

Absent

Anderson	Leyendecker
Broadfoot	Mays
Celaya	Monkhouse
Corry	Montgomery
Davis of Jasper	Pace
Dean	Pope
Dickson	Reader of Bexar
Faulkner	Rhodes
Felty	Shell
Hale	Vale
Harris	Westbrook
Hartzog	

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

**MOTION TO PLACE HOUSE BILL
NO. 126 ON SECOND
READING**

Mr. Galbreath moved that the regular order of business be suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 126.

The roll of the House was called and the vote announced, as follows:

Yeas—45

Allison	Hunt
Bailey	Isaacks
Baker	Keith
of Fort Bend	Kern
Baker of Grayson	Kerr
Boyd	Lehman
Bradbury	McMurry
Brown of Cherokee	Morris
Brown	Newell
of Nacogdoches	Oliver
Burney	Reader of Erath
Cauthorn	Roach
Chambers	Roberts
Cockrell	Russell
Coleman	Skiles
Corry	Smith
Davis of Upshur	of Matagorda
Derden	Spencer
Dickson	Stinson
Ferguson	Thornberry
Galbreath	Turner
Hamilton	Vint
Harrell of Lamar	Weldon
Howington	Wood

Nays—22

Allen	Kinard
Blankenship	London
Bond	McAlister
Bradford	McDaniel
Bridgers	McDonald
Bundy	Nicholson
Fielden	Riviere
Goodman	Robinson
Hankamer	Stoll
Hardin	Thornton
Kennedy	Waggoner

Absent

Alsup	Gordon, Mrs.
Anderson	Hale
Bell	Hardeman
Boyer	Harp
Bray	Harper
Broadfoot	Harris
Burkett	Hartzog
Celaya	Heflin
Clark	Holland
Cleveland	Howard
Colquitt	Hull
Colson, Mrs.	Johnson of Ellis
Cornett	Johnson of Tarrant
Crossley	Kersey
Daniel	King
Davis of Jasper	Langdon
Dean	Leonard
Dickson	Leyendecker
Dwyer	Little
Faulkner	Lock
Felty	Loggins
Fuchs	Mays
Gilmer	McNamara

Mohrmann	Shell
Monkhouse	Smith of Frio
Montgomery	Talbert
Pace	Tarwater
Petsch	Taylor
Pevehouse	Tennant
Pope	Vale
Ragsdale	Voigt
Reader of Bexar	Westbrook
Reaves	White
Reed	Wilson
Rhodes	Winfree
Segrist	Wright

Absent—Excused

Donaghey	Schuenemann
Dowell	Smith of Hopkins
Harrell of Bastrop	Wells
McFarland	Worley
Piner	

Mr. Bond raised the point of order, that there was not a quorum present. The Speaker sustained the point of order.

ADJOURNMENT

On motion of Mr. Riviere, the House, at 10:45 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Game and Fisheries filed a favorable report on House Bill No. 919.

The Committee on Counties filed an adverse report on House Bill No. 777.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 205, A bill to be entitled "An Act amending Article 1055, of the Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 211, A bill to be entitled "An Act to repeal Section I of House Bill Number 993, enacted by the Forty-fifth Legislature, relating to the trial of insane persons charged with crime and providing for the commitment of such persons to a State Hospital for the Insane, if found to be sane at the time of the commission of the offense but insane at the time of the trial of such person, and for the trial of persons charged with crime who were sane at the time of commission of the crime but insane upon the trial of their case; and enacting in lieu of said provisions relating to the trial of insane persons charged with crime as provided in Section I of said Act of the Forty-fifth Legislature, a provision providing that in any case where present insanity of the defendant is interposed as a defense, and that issue is tried before the main charge, and the jury shall find the defendant insane, the court shall thereupon make and have entered on the minutes of the court an order committing the defendant to the custody of the Sheriff to be kept subject to the further order of the County Judge of the County, and the proceedings shall forthwith be certified to the County Judge who shall at once take the necessary steps to have the defendant committed to and confined in a State Hospital for the Insane until he becomes sane, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 224, A bill to be entitled "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new section to Section 6 to be known as Section 6 (f), by providing for the sale and transfer of contract carrier permits issued under the provisions

of this section of the Act by providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 240, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than six thousand seven hundred fifty (6,750) and not more than six thousand eight hundred fifty (6,850) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 273, A bill to be entitled, "An Act making theft of peanuts, peanut hay, or peanut meal a felony; prescribing penalties therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 402, A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, working men, wage earners, and farmers to protect themselves in their various pursuits;

vesting authority in the Commissioner of Labor Statistics to make investigation concerning applications for charters and amendments to charters for such purposes, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 405, A bill to be entitled "An Act to amend Chapter 5, Title 14 of the Revised Criminal Statutes of 1925, as amended by Acts of the Regular Session of the Forty-first Legislature of the State of Texas by amending Articles 1037 and 1037a relating to weights and measures, and by adding the following new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, and 1037i, requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; providing standards for the sale of butter, bread, milk, and meat, and meat food products; including poultry; providing for establishment of standard net weight, net measure, or net numerical count for commodities, products or articles; defining certain terms; providing penalties for the enforcement of the Act; repealing laws in conflict; including a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom you referred

H. B. No. 406, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of the

Regular Session of the Forty-Second Legislature of the State of Texas, pertaining to weights and measures, by amending Article 5714, which provides for the promulgation of specifications and tolerances for commercial weighing and measuring devices, and by adding a new Article to be numbered Article 5714a, providing for the approval of type for commercial weighing and measuring devices, repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 478, A bill to be entitled "An Act making it a penal offense for any person, agent and/or attorney, knowingly, to make any false statement or report in writing to any department in this State regarding the allowables of oil and/or gas for the purpose of allocating and/or increasing said allowables; defining a dead well; making Act cumulative, and providing that any statement so made shall constitute a felony, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 481, A bill to be entitled "An Act providing regulations for the use of seines and nets, for the removal of rough fish from the waters of Zavala County; repealing all laws in conflict with this Act; providing a suitable penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 482, A bill to be entitled

"An Act providing a closed season during the months of January, February, March and April for taking or attempting to take fish in Uvalde and Zavala Counties; prohibiting the taking of minnows in Uvalde and Zavala Counties for commercial purposes; repealing all laws insofar as they conflict with this Act, providing a suitable penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 493, A bill to be entitled "An Act amending Article 5986 of the Revised Civil Statutes of 1925, eliminating certain provisions of said Article, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 518, A bill to be entitled "An Act making it unlawful for any person to engage in fishing from any causeway, bridge or structure located on any highway being maintained by the State Highway Department; making the violation of this Act a misdemeanor and providing a penalty for violation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 526, A bill to be entitled "An Act authorizing the Commissioner of Agriculture of this State to establish and maintain quarantine regulations in order to prevent the introduction into or spread within this State of pests and diseases for the protection of agricultural indus-

try of this State and to provide for the inspection of things and plants with reference to such quarantine, requiring persons to notify the Commissioner of Agriculture of the arrival of such things and plants against which a quarantine has been established and to hold them for inspection, and providing for the disposal of such infected things or plants by the Commissioner of Agriculture and further providing the manner of declaring such quarantines and providing for investigation by the Commissioner of Agriculture in order to determine the existence of such pests and diseases and authorizing him to declare and enforce quarantine in order to prevent the spread thereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 564, A bill to be entitled "An Act amending Subdivision (n) of the first paragraph of Article 2529 of the Revised Statutes of Texas, amended by Acts of 1937, Forty-fifth Legislature, page 319, Chapter 164, Section 1, so as to henceforth include within its provisions bonds issued by the Federal Farm Mortgage Corporation and consolidated Federal Land Bank bonds, declaring that all laws in conflict herewith are hereby repealed, fixing the effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 580, A bill to be entitled "An Act authorizing and empowering any city to issue its negotiable bonds, payable from revenues other than taxation, for the purchase, construction, repair, improvement, extension or enlargement of its water system, sanitary sewer system, natural gas

system, or electric light and power system, the purchase of additional water powers, lands for reservoirs, sewage, disposal plants and other water or sewer purposes, and riparian rights, and the purchase and improvement of parks and/or swimming pools, or either one or all of said purposes; providing that such bonds shall be solely a charge upon the revenues and properties pledged to secure their payment; providing that such bonds shall not be issued unless the proposition is first submitted to and authorized by a majority of the qualified voters who own taxable property in such city and who have duly rendered the same for taxation, voting at an election held for that purpose; providing that the method of ordering and holding such election shall be governed by the laws regulating elections for the issuance of city bonds; providing that said bonds shall be redeemed or paid by an appropriation or pledge of the net revenues derived from the operation of either one or any or all of said utility systems, and may be additionally secured by mortgage on any or all of the properties comprising any such system; defining the words 'net revenues' and defining the words 'reasonable expense of operating and maintaining such system, service or enterprise;' providing that said bonds shall mature not later than 40 years from their date and shall bear interest not to exceed six per centum per annum; providing that said bonds shall be signed by the mayor and countersigned by the city secretary, and shall be approved by the Attorney General and registered by the State Comptroller, as in the case of municipal bonds; providing that the holder of such obligations shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that within the discretion of the governing body payment of said bonds may be additionally secured by an indenture, mortgage or deed of trust, given by the city to a bank or banking institution in this State, with trust powers, whereby the city may mortgage and pledge all or any part of the lands and other properties comprising any such system, and all net revenues to be derived from the operation thereof; providing that such

indenture shall be recorded in the deed of trust and mortgage records of the county or counties in which such properties may be situated; providing that such indenture may also provide for a grant of a franchise to the purchaser under sale or foreclosure thereunder to operate the properties so encumbered for a term of not over 20 years after such purchase, subject to all laws regulating same then in force, but the city may have the right at any five-year period within said 20 years to repurchase said properties; providing that the revenues or income of any such system shall be sufficient to pay all charges necessary to render efficient service, and the principal and interest on said bonds, and all other outstanding indebtedness; . . . etc.; providing that no election shall be required to authorize additional bonds for a sum less than Five Thousand Dollars, when issued for the purpose of constructing necessary repairs and extensions, or purchasing additional necessary equipment or machinery; authorizing refunding bonds . . . etc.; validating all elections authorizing revenue bonds for the purpose of paying off and discharging indebtedness of public utility system designated in election proceedings; etc.; . . . providing this Act shall not repeal Chapter 33, Acts, Thirty-ninth Legislature, Regular Session in 1925, as amended by Chapter 36, Acts, Forty-third Legislature, First Called Session in 1933; nor Chapter 314, Acts, Forty-second Legislature, Regular Session in 1931, and authorizing cities operating thereunder to take advantage of this Act; providing this Act shall not repeal any validating Act; repealing Articles 1111, 1112, 1113 and 1114, Revised Statutes of 1925, as amended, and also Articles 1115, 1116, 1117 and 1118, of said Statutes, Sections 8a and 11, of Chapter 163, Acts, Forty-second Legislature, Regular Session in 1931, Chapter 19, Acts Forty-third Legislature, Third Called Session in 1934, and Chapter 18, Acts, Forty-third Legislature, Fourth Called Session in 1934, as amended by House Bill No. 164, Acts, Forty-fifth Legislature, Second Called Session in 1937; providing the necessary matters and things incidental to and necessary for the

carrying out of the purposes of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 29, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 585, A bill to be entitled "An Act to reorganize the 104th Judicial District of the State of Texas; and to prescribe the time, and fix the terms of holding the courts in the several counties thereof; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties of said district as herein fixed, and to validate old process and to validate the summoning of Grand and Petit Jurors and Juries; repealing all laws and parts of laws in conflict herewith and fixing the time when this Act shall become effective, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 759, A bill to be entitled "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new Sections to be known as Section 19-C, Section 19-D, and Section 19-E, providing for the elimination of certain wages from determination of eligibility for benefits; providing for the transfer of a portion of the Unemployment Compensation Fund to the Railroad Unemployment Insurance Account; providing for the furnishing of certain records to the Railroad Retirement Board, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 80, Recalling Senate Concurrent Resolution No. 21 from the Governor's Office for correction.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 75, Urging the passage of the McCarran Bill, now pending in the House of Representatives of the Congress of the United States, being Senate Bill No. 90 and House Bill No. 951.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 74, Urging the passage of a bill known as the "Truth in Fabric", now pending in the Congress of the United States, being Senate Bill No. 3502.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 76, Recalling House Bill No. 267 from the Senate.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

March 31, 1939

House Bill No. 407.

House Bill No. 802.

April 3, 1939

House Concurrent Resolution No. 74.

House Concurrent Resolution No. 75.

House Concurrent Resolution No. 76.

In Memory of Honorable R. H. Chadwick

Mr. Alsup offered the following resolution:

H. S. R. No. 201, In memory of Honorable R. H. Chadwick.

Whereas, On March 29th, A. D. 1939, the Supreme Ruler of the Universe called from the walks of life the Honorable R. H. Chadwick, of Carthage, Panola County; and

Whereas, Mr. Chadwick was a promoter of education, having served for a number of years as a member of the Board of Trustees; and

Whereas, Mr. Chadwick has served his community as an outstanding merchant and at the time of his passing he was representing one of the leading industries of Texas; and

Whereas, He was a member of the Methodist Episcopal Church, South, and for more than twenty years had been President of the Men's Bible Class of the Methodist Church at Carthage; and

Whereas, He was loved, admired and respected by all who knew him; now, therefore, be it

Resolved by the House of Representatives, That it deplore the passing of this outstanding East Texas citizen; and, be it further

Resolved, That the Chief Clerk of the House be directed to send a copy of this resolution to the members of the family, and that a page of the House Journal be dedicated to the memory of R. H. Chadwick, and that when the House adjourns today it do so in the memory of this worthy citizen.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-
man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Reader of Erath, the names of all the Members of the House, were added to the resolution as signers thereof.

The resolution was unanimously adopted.